Exhibit 1

Subpoena Packets

Subpoena Package 1 Alameda Aus Pty Ltd

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al., Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Alameda Aus Pty Ltd 31 Egerton Street Silvertwater NSW 2128 Australia

Creditors who issues or requests this subpoena, are:

390-9000 Email: jselendy@selendygay.com

		DATE AND TIME
PLACE		DATE AND THINE
The examination will be rec	corded by this method:	
		you to the examination the following documents, ection, copying, testing, or sampling of the material:
ciccionicany stored inform	ation, or objects, and must permit hispo	action, copyring, testing, or sampling of the material.
Please see the attached req	uests for the production of documents.	
attached – Rule 45(c), relati	ng to the place of compliance; Rule 45	cable in bankruptcy cases by Fed. R. Bankr. P. 9016, are (d), relating to your protection as a person subject to a nd to this subpoena and the potential consequences of not
		in to this suspection with the provincial consequences of the
doing so.		and the same personal and the personal consequences of new
Date: <u>05/15/2023</u>	CLERK OF COURT	
doing so. Date: <u>05/15/2023</u>	CLERK OF COURT	
Date: <u>05/15/2023</u>		

Notice to the person who issues or requests this subpoena

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Page 21 brown as Pg 4 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	rson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for services.	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Page 3) hopenas Pg 5 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoen Rg 2 Pg28 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-Subpoenas Pg 10 of 1597

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COUR	I
SOUTHERN DISTRICT OF NEW YORK	

In re:	Chapter 11
CELSIUS NETWORK, et al.,1	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO ALAMEDA AUS PTY LTD</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Alameda Aus Pty Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 1. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 2. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 3. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 4. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 5. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 6. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 7. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 8. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 9. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 10. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 11. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 2 Alameda Global Services Ltd.

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Page Libropenas Pg. 18 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Alameda Global Services Ltd. Ellen L. Skelton Building, 2nd floor, Fishers Lane Road Town VG1110 British Virgin Islands

	1.1		der authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be	recorded by this method:		
	your representatives, must also bring rmation, or objects, and must permit		mination the following documents, testing, or sampling of the material:
Please see the attached requests for the production of documents.			
attached – Rule 45(c), rel	ating to the place of compliance; Ru	le 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a sena and the potential consequences of not
Date: <u>05/15/2023</u>			
	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	Ju 5	
		Attorn	ey's signature
TE1 1.1 '1	11 1.1 1 1 6		. TEL OCC. 1 C CII 1

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pagabooenas Pg 19 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Paggippoenas Pg 20 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
☐ I served the subpoena by delivering a copy to the named person as fo	ollows:
on (date)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or one o witness the fees for one day's attendance, and the mileage allowed by la My fees are \$ for travel and \$ for services, for a	aw, in the amount of \$
I declare under penalty of perjury that this information is true an	nd correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Page 1) Property Property

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoenals 2Rof 24 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-Subpoenas Pg 26 of 1597

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ²	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO ALAMEDA GLOBAL SERVICES LTD.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

² The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Alameda Global Services Ltd. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 3 Alameda Research (Bahamas) Ltd

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Page Hopoenas Pg 34 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Alameda Research (Bahamas) Ltd G.K. Symonette Building, Shirley Street Nassau, New Providence Bahamas

-	1 1		set forth below to testify at an examination
under Rule 2004, Federal	Rules of Bankruptcy Procedure. A	copy of the court or	der authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be	recorded by this method:		
	your representatives, must also bring rmation, or objects, and must permit		mination the following documents, , testing, or sampling of the material:
Please see the attached r	requests for the production of docum	ents.	
attached – Rule 45(c), rel	ating to the place of compliance; Ru	le 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a sena and the potential consequences of not
Date: <u>05/15/2023</u>			
Date. <u>03/13/2023</u>	CLERK OF COURT		
	CLLIK OF COOK!		
		OR	
	Signature of Clerk or Deputy Clerk	Jn. 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pagabboenas Pg 35 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Paggippoenas Pg 36 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
I served the subpoena by delivering a copy to the named person	n as follows:
on (date)	; or
I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowed My fees are \$ for travel and \$ for services	d by law, in the amount of \$ for a total of \$
I declare under penalty of perjury that this information is t	rue and correct.
Date:	
_	Server's signature
	Printed name and title
_	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Page 1) Property of the Prop

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoenals 2Rof 20 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al.,3	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO ALAMEDA RESEARCH (BAHAMAS) LTD</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

³ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Alameda Research (Bahamas) Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

Tel.: 212-390-9000 jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 4 Alameda Research Holdings Inc.

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15) blopoenas Pg 50 of 1597 $UNITED\ STATES\ BANKRUPTCY\ COURT$

Southern District of New York

In re CELSIUS NETWORK LLC, et al., Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Alameda Research Holdings Inc. 3500 South Dupont Highway Dover, DE 19901

	ne time, date, and place set forth below to testify at an examination A copy of the court order authorizing the examination is attached.
PLACE	DATE AND TIME
The examination will be recorded by this method:	
X Production: You, or your representatives, must also brielectronically stored information, or objects, and must perm	ng with you to the examination the following documents, nit inspection, copying, testing, or sampling of the material:
Please see the attached requests for the production of docu	uments.
attached – Rule 45(c), relating to the place of compliance;	de applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are Rule 45(d), relating to your protection as a person subject to a o respond to this subpoena and the potential consequences of not
Date: <u>05/15/2023</u>	
CLERK OF COURT	
	OR
Signature of Clerk or Deputy Clerk	Just
	Attorney's signature
The name of days and talankan a	felt a attenue as a second in a The Official Committee of Harmonia

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Pagabpoenas Pg 51 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	rson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for services.	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Page 1) Property Property

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

SOUTHERN DISTRICT OF NEW YORK]
In re:	Chapter 11
CELSIUS NETWORK LLC, et al.,1	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dotoo26*2*642-FliledF**05**610*5*235/*2*3nteFende05610*5*23*512*35*22*081:1171airEpoloichitn1ent Subpoenals 2Rof 25 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-Subpoenas Pg 57 of 1597

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangayilliams@selendyg

tagangawilliams@selendygay.com

cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO ALAMEDA RESEARCH HOLDINGS INC.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁴ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Alameda Research Holdings Inc. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000
jselendy@selendygay.com

fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 5 Alameda Research KK

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Page Hopoenas Pg 65 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Alameda Research KK Minami-Azabu Oak Minami-Azabu Building 2F, 3-19-23 19 Minamiazabu, Minato City, Tokyo 106-0047 Japan

I Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.			
PLACE	rates of Bankraptey Frocedure. 11	copy of the court of	DATE AND TIME
TEACE			DATE AND TIME
The examination will be a	recorded by this method:		
▼ Production: You, or y	your representatives, must also bring	with you to the exam	mination the following documents.
			, testing, or sampling of the material:
Please see the attached r	requests for the production of docum	ents.	
attached – Rule 45(c), rela	ating to the place of compliance; Ru	ale 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a ena and the potential consequences of not
Date: 05/15/2023			
	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	\mathref{n}{\gamma}	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pagabboenas Pg 66 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Pagabopoenas Pg 67 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	son as follows:
on (date)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service	ved by law, in the amount of \$
I declare under penalty of perjury that this information i	
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Page 1) properties Pg 68 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

SOUTHERN DISTRICT OF NEW YORK	1
In re:	Chapter 11
CELSIUS NETWORK LLC, et al.,1	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dotoo26*2*642-FliledF**05**610*5*235/*2*3nteFende05610*5*23*512*35*22*081:1171airEpoloichitn1ent Subpoenates 2Rof 21 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al.,5	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO ALAMEDA RESEARCH KK

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁵ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Alameda Research KK produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000
jselendy@selendygay.com

fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 6 Alameda Research LLC

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Page Hoppenas Pg 81 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Alameda Research LLC 3500 South Dupont Highway Dover, DE 19901

	11		set forth below to testify at an examination
under Rule 2004, Federal	Rules of Bankruptcy Procedure. A	copy of the court ord	der authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be r	recorded by this method:		
V Donato di Santa Varia			
	our representatives, must also bring		testing, or sampling of the material:
ciccionically stored infor	mation, or objects, and must permit	mspection, copying,	, testing, or sumpring or the material.
Please see the attached r	equests for the production of docum	ents.	
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.			
Date: <u>05/15/2023</u>			
Date. <u>03/13/2023</u>	CLERK OF COURT		
	CLERK OF COOKT		
		OR	
	Signature of Clerk or Deputy Clerk	Jn 5	
		Attorn	ey's signature
			V

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pagabboenas Pg 82 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Pagadepoenas Pg 83 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
☐ I served the subpoena by delivering a copy to the named person	on as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowe My fees are \$ for travel and \$ for services	d by law, in the amount of \$
I declare under penalty of perjury that this information is	
Date:	
_	Server's signature
_	Printed name and title
-	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Page 1) Property Page 11 Property Page 11 Property Page 12 Property Page 12 Property Page 13 Property Page 13 Property Page 14 Property Page 15 Prop

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoenals 2Rof 27 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO ALAMEDA RESEARCH LLC</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁶ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Alameda Research LLC produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 7 Alameda Research Ltd

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Page Hoppenas Pg 97 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,

Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Alameda Research Ltd Tortola Pier Park, Building 1, Second Floor Wickhams Cay I, Tortola VG1110 British Virgin Islands

<i>Testimony:</i> YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.			
PLACE	rates of Bankraptey Frocedure. 11	copy of the court of	DATE AND TIME
TEACE			DATE AND TIME
The examination will be a	recorded by this method:		
▼ Production: You, or y	your representatives, must also bring	with you to the exam	mination the following documents.
			, testing, or sampling of the material:
Please see the attached r	requests for the production of docum	ents.	
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.			
Date: 05/15/2023			
	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	\mathref{n}{\gamma}	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pagabboenas Pg 98 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Pagabopoenas Pg 99 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if a on (date)	<i>uny</i>):
☐ I served the subpoena by delivering a copy to the named p	person as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United State witness the fees for one day's attendance, and the mileage all. My fees are \$ for travel and \$ for service of the United State witness the fees for one day's attendance, and the mileage all.	vices, for a total of \$
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfigure Parameters) Pg 100 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

1
Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 1203 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel. 212 200 0000

Tel: 212-390-9000 Email: jselendy@selendygav.com

fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ⁷	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO ALAMEDA RESEARCH LTD</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁷ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Alameda Research Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 8 Alameda Research Pte Ltd

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfulneenas Pg 113 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Alameda Research Pte Ltd 1 George Street #10-01 Singapore 049145 Singapore

under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.		
PLACE	DATE AND TIME	
The examination will be recorded by this method:		
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:		
Please see the attached requests for the production of documents.		
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.		
Date: <u>05/15/2023</u>		
CLERK OF COURT		
	OR	
Signature of Clerk or Deputy Clerk	Juda	
	Attorney's signature	
The name, address, email address, and telephone number of	the attorney representing The Official Committee of Unsecured	

Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 115 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	rson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for services.	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfit poenas Pg 116 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

1
Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pgf 1219 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al.,8	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO ALAMEDA RESEARCH PTE LTD</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁸ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Alameda Research Pte Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 9 Alameda Research Yankari Ltd

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Alameda Research Yankari Ltd 35 Moloney Street, Obalende Lagos Island, Lagos 102273 Nigeria

☐ <i>Testimony:</i> YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.			
PLACE			DATE AND TIME
The examination will be	recorded by this method:		
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:			
Please see the attached requests for the production of documents.			
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.			
Date: <u>05/15/2023</u>			
	CLERK OF COURT		
		OR	_
	Signature of Clerk or Deputy Clerk	Ju. 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 131 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
☐ I served the subpoena by delivering a copy to the named pers	on as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, of witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service I declare under penalty of perjury that this information is	ed by law, in the amount of \$ es, for a total of \$
Date:	, true and correct.
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfuncenas Pg 132 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 1235 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com

tagangawilliams@selendygay.com

cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
III IC.	Chapter 11
CELSIUS NETWORK, et al.,9	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO ALAMEDA RESEARCH YANKARI LTD</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Alameda Research Yankari Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 10 Alameda TR Ltd

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Alameda TR Ltd Lower Factory Road St. John's AG-04 Antigua and Barbuda

Creditors who issues or requests this subpoena, are:

	copy of the court order authorizing the examination is attached.
PLACE	DATE AND TIME
The examination will be recorded by this method:	
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:	
Please see the attached requests for the production of docum	nents.
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.	
Date: <u>05/15/2023</u>	
CLERK OF COURT	
	OR
Signature of Clerk or Deputy Clerk	Ju Su
	Attorney's signature
The name, address, email address, and telephone number of t	he attorney representing The Official Committee of Unsecured

390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 147 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if an on (date)	ny):
☐ I served the subpoena by delivering a copy to the named p	erson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States witness the fees for one day's attendance, and the mileage allows My fees are \$ for travel and \$ for serve I declare under penalty of perjury that this information	vices, for a total of \$
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfit poenas Pg 148 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoena Pgf 251 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., 10	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO ALAMEDA TR LTD

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

¹⁰ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Alameda TR Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104

Tel.: 212-390-9000 jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 11 Alameda TR Systems S. de R.L. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfulneenas Pg 161 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

Creditors who issues or requests this subpoena, are:

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,

Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Alameda TR Systems S. de R.L. Oceania Business Plaza, 21st Floor Punta Pacifica 0801 Panama City Panama

	copy of the court order authorizing the examination is attached.
PLACE	DATE AND TIME
The examination will be recorded by this method:	
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:	
Please see the attached requests for the production of docum	nents.
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.	
Date: <u>05/15/2023</u>	
CLERK OF COURT	
	OR
Signature of Clerk or Deputy Clerk	Ju Su
	Attorney's signature
The name, address, email address, and telephone number of t	he attorney representing The Official Committee of Unsecured

390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 163 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any, on (date)):
☐ I served the subpoena by delivering a copy to the named pers	son as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service	ved by law, in the amount of \$
I declare under penalty of perjury that this information is	
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfigure Parameters) Pg 164 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

SOUTHERN DISTRICT OF NEW YORK	1
In re:	Chapter 11
CELSIUS NETWORK LLC, et al.,1	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoena Bg 2Pgf 1267 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., 11	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO ALAMEDA TR SYSTEMS S. DE R. L.</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

¹¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Alameda TR Systems S. de R. L. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000
jselendy@selendygay.com

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 12 Allston Way Ltd

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfulneenas Pg 177 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Allston Way Ltd Lower Factory Road St. John's AG-04 Antigua and Barbuda

Creditors who issues or requests this subpoena, are:

	A copy of the court order authorizing the examination is attached.
PLACE	DATE AND TIME
The examination will be recorded by this method:	
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:	
Please see the attached requests for the production of documents	ments.
attached – Rule 45(c), relating to the place of compliance; R	le applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are Rule 45(d), relating to your protection as a person subject to a respond to this subpoena and the potential consequences of not
Date: <u>05/15/2023</u>	
CLERK OF COURT	
	OR
Signature of Clerk or Deputy Clerk	Juda
	Attorney's signature
The name, address, email address, and telephone number of	the attorney representing The Official Committee of Unsecured

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 179 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	rson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for services.	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfuncenas Pg 180 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors;² and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 1283 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com

tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., 12	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO ALLSTON WAY LTD

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

¹² The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Allston Way Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 13 Analisya Pte Ltd 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

Creditors who issues or requests this subpoena, are:

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Analisya Pte Ltd 8 Orange Grove Road #06-02 8 Orange Grove Road #06-02 Singapore

	time, date, and place set forth below to testify at an examination
	copy of the court order authorizing the examination is attached.
PLACE	DATE AND TIME
The examination will be recorded by this method:	
☑ Production: You, or your representatives, must also bring electronically stored information, or objects, and must permit Production: You, or your representatives, must also bring electronically stored information, or objects, and must permit Production: You, or your representatives, must also bring electronically stored information, or objects, and must permit Production: You, or your representatives, must also bring electronically stored information. Production: You, or your representatives, must also bring electronically stored information. Production: You, or your representatives, must also bring electronically stored information. Production: You, or your representatives, must also bring electronically stored information. Production: You, or your representatives, must also bring electronically stored information. Production: You, or your representatives. Prod	
Please see the attached requests for the production of docum	ments.
attached – Rule 45(c), relating to the place of compliance; Ru	e applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are ule 45(d), relating to your protection as a person subject to a respond to this subpoena and the potential consequences of not
Date: 05/15/2023	
CLERK OF COURT	
	OR
Signature of Clerk or Deputy Clerk	Ju Su
	Attorney's signature
The name, address, email address, and telephone number of	the attorney representing The Official Committee of Unsecured

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 195 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if an on (date)	ny):
☐ I served the subpoena by delivering a copy to the named p	erson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States witness the fees for one day's attendance, and the mileage allows My fees are \$ for travel and \$ for serve I declare under penalty of perjury that this information	vices, for a total of \$
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfuncenas Pg 196 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors;² and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 1299 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com

cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., 13	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO ANALISYA PTE LTD</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

¹³ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Analisya Pte Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 14 Atlantis Technology Ltd. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Atlantis Technology Ltd. Unit 3B, Bryson's Commercial Complex, Friars Hill Road St. John's AG-04 Antigua and Barbuda

•	* *		set forth below to testify at an examination
under Rule 2004, Federal	Rules of Bankruptcy Procedure. A	copy of the court or	ler authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be r	recorded by this method:		
	your representatives, must also bring rmation, or objects, and must permit		mination the following documents, testing, or sampling of the material:
Please see the attached re	equests for the production of docum	ents.	
attached – Rule 45(c), rela	ating to the place of compliance; Ru	le 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a sena and the potential consequences of not
Date: <u>05/15/2023</u>			
Date. <u>05/15/2025</u>	CLERK OF COURT		
	CLERK OF COOK!		
		OR	
	Signature of Clerk or Deputy Clerk	Jn 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 211 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if an on (date)	ny):
☐ I served the subpoena by delivering a copy to the named p	erson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States witness the fees for one day's attendance, and the mileage allows My fees are \$ for travel and \$ for servential for the subpoena was issued on behalf of the United States witness the fees for one day's attendance, and the mileage allows for travel and \$ for servential for the United States witness the fees for one day's attendance, and the mileage allows for the United States witness the fees for one day's attendance, and the mileage allows for the United States witness the fees for one day's attendance, and the mileage allows for the United States witness the fees for one day's attendance, and the mileage allows for the United States witness the fees for one day's attendance, and the mileage allows for the United States witness	owed by law, in the amount of \$
I declare under penalty of perjury that this information	n is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfuncenas Pg 212 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

1
Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoena Pg 2Pgf2215 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., 14	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO ATLANTIS TECHNOLOGY LTD.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

¹⁴ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Atlantis Technology Ltd. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 15 Bancroft Way Ltd 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Bancroft Way Ltd Lower Factory Road St. John's AG-04 Antigua and Barbuda

Creditors who issues or requests this subpoena, are:

under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.	
PLACE	DATE AND TIME
The examination will be recorded by this method:	
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:	
Please see the attached requests for the production of documents.	
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.	
Date: <u>05/15/2023</u>	
CLERK OF COURT	
	OR
Signature of Clerk or Deputy Clerk	Juda
	Attorney's signature
The name, address, email address, and telephone number of	the attorney representing The Official Committee of Unsecured

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 227 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	son as follows:
on (date)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service	ved by law, in the amount of \$
I declare under penalty of perjury that this information i	
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfitneenas Pg 228 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 2Pgf2231 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., 15	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO BANCROFT WAY LTD</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

¹⁵ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Bancroft Way Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 16 Blockfolio, Inc. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perhaps Pg 241 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Blockfolio, Inc. 3500 South Dupont Highway Dover, DE 19901

☐ <i>Testimony:</i> YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.	
PLACE	DATE AND TIME
The examination will be recorded by this method:	
∑ <i>Production:</i> You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:	
Please see the attached requests for the production of documents.	
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.	
Date: 05/15/2023	
CLERK OF COURT	
	OR
Signature of Clerk or De	eputy Clerk
	Attorney's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 242 of 1597)

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 243 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	son as follows:
on (date)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service	ved by law, in the amount of \$
I declare under penalty of perjury that this information i	
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfit poenas Pg 244 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors;² and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Bg 2Pgf2247 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., 16	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO BLOCKFOLIO, INC.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

¹⁶ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Blockfolio, Inc. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 17 Blue Ridge Ltd 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfulneenas Pg 257 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Blue Ridge Ltd Unit 3B, Bryson's Commercial Complex, Friars Hill Road St. John's AG-04 Antigua and Barbuda

	1.1		der authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be i	recorded by this method:		
	•		
	your representatives, must also bring rmation, or objects, and must permit		mination the following documents, , testing, or sampling of the material:
Please see the attached r	requests for the production of docum	ents.	
attached – Rule 45(c), rela	ating to the place of compliance; Ru	le 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a sena and the potential consequences of not
Date: <u>05/15/2023</u>			
<u></u>	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	Ju 5	
		Attorn	ey's signature
TT1 11 11	11 1, 1 1 1 0,		TEL 0.00" : 1.0

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 259 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
☐ I served the subpoena by delivering a copy to the named person	on as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowe My fees are \$ for travel and \$ for services	d by law, in the amount of \$
I declare under penalty of perjury that this information is	
Date:	
_	Server's signature
_	Printed name and title
-	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfitneenas Pg 260 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Bg 2Pgf2263 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ¹⁷	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO BLUE RIDGE LTD</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

¹⁷ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Blue Ridge Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 18 Cardinal Ventures Ltd 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfulneenas Pg 273 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Cardinal Ventures Ltd Unit 3B, Bryson's Commercial Complex, Friars Hill Road St. John's AG-04 Antigua and Barbuda

	11		der authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be	recorded by this method:		
	your representatives, must also bring rmation, or objects, and must permit		mination the following documents, testing, or sampling of the material:
Please see the attached r	requests for the production of docum	ents.	
attached – Rule 45(c), rela	ating to the place of compliance; Ru	le 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a sena and the potential consequences of not
Date: 05/15/2023			
	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	Ju 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 274 of 1597)

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 275 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
☐ I served the subpoena by delivering a copy to the named person	n as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowed My fees are \$ for travel and \$ for services.	d by law, in the amount of \$ for a total of \$
I declare under penalty of perjury that this information is to	rue and correct.
Date:	Server's signature
	Printed name and title
_	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfuncenas Pg 276 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 2Pgf2279 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., 18	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO CARDINAL VENTURES LTD</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

¹⁸ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Cardinal Ventures Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 19 Cedar Bay Ltd 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 289 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Cedar Bay Ltd Unit 3B, Bryson's Commercial Complex, Friars Hill Road St. John's AG-04 Antigua and Barbuda

	* *	· · · · ·	set forth below to testify at an examination der authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be a	recorded by this method:		
	your representatives, must also bring mation, or objects, and must permit		mination the following documents, testing, or sampling of the material:
Please see the attached r	requests for the production of docum	ents.	
attached – Rule 45(c), rela	ating to the place of compliance; Ru	le 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a sena and the potential consequences of not
Date: <u>05/15/2023</u>			
	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	Ju 5	
		Attorn	ey's signature
The mane address amoil	addrage and talanhana nymbar af th	a a attama ar r mamma a and	ting The Official Committee of Hagasymod

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2900 of 1597)

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 291 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any, on (date)):
☐ I served the subpoena by delivering a copy to the named pers	son as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service	ved by law, in the amount of \$
I declare under penalty of perjury that this information is	
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfit poenas Pg 292 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 2Pgf2295 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO CEDAR BAY LTD

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

¹⁹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Cedar Bay Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 20 Cedar Grove Technology Services, Ltd. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Cedar Grove Technology Services, Ltd. Unit 3B, Bryson's Commercial Complex, Friars Hill Road St. John's AG-04 Antigua and Barbuda

☐ Testimony: YOU ARE COMMANDED to appear at the time, date, and place	2
under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court ord	er authorizing the examination is attached.
PLACE	DATE AND TIME
The examination will be recorded by this method:	
☑ Production: You, or your representatives, must also bring with you to the example electronically stored information, or objects, and must permit inspection, copying,	
Please see the attached requests for the production of documents.	
The following provisions of Fed. R. Civ. P. 45, made applicable in bankru attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to y subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpodoing so.	your protection as a person subject to a
Date: 05/15/2023	
CLERK OF COURT	
OR	
Signature of Clerk or Deputy Clerk	
Attorna	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 307 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
I served the subpoena by delivering a copy to the named person	n as follows:
on (date)	; or
I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowed My fees are \$ for travel and \$ for services	I by law, in the amount of \$
I declare under penalty of perjury that this information is t	
Date:	
_	Server's signature
	Printed name and title
_	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfuncenas Pg 308 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

SOUTHERN DISTRICT OF NEW YORK]
In re:	Chapter 11
CELSIUS NETWORK LLC, et al.,1	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pgf 3211 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ²⁰	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO CEDAR GROVE TECHNOLOGY SERVICES, LTD.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

²⁰ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Cedar Grove Technology Services, Ltd. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000
iselendy@selendygay.com

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 21 Clifton Bay Investments LLC

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perhaps Pg 321 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Clifton Bay Investments LLC 3500 South Dupont Highway Dover, DE 19901

		_	set forth below to testify at an examination ler authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be record	ded by this method:		
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:			
Please see the attached reques	sts for the production of docume	ents.	
attached – Rule 45(c), relating	to the place of compliance; Rul	e 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a ena and the potential consequences of not
Date: 05/15/2023			
	ERK OF COURT		
		OR	
Sign	nature of Clerk or Deputy Clerk	Jn 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 323 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if a on (date)	ny):
	person as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United State witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service of the United State witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service of the United State witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service of the United State witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service of the United State witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service of the United State witness the fees for one day's attendance, and the mileage allow for the United State witness the fees for one day's attendance, and the mileage allow for the United State witness for the Unit	owed by law, in the amount of \$ vices, for a total of \$
Date:	 Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfuncenas Pg 324 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

1
Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Bg 2Pgf3227 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ²¹	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO CLIFTON BAY INVESTMENTS LLC</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

²¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Clifton Bay Investments LLC produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000
iselendy@selendygay.com

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 22 Clifton Bay Investments Ltd

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 28 - Pg 337 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Clifton Bay Investments Ltd Ellen L. Skelton Building, 2nd floor, Fishers Lane Road Town VG1110 British Virgin Islands

	copy of the court order authorizing the examination is attached.		
PLACE	DATE AND TIME		
The examination will be recorded by this method:			
☑ Production: You, or your representatives, must also bring electronically stored information, or objects, and must permit			
Please see the attached requests for the production of documents.			
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.			
Date: <u>05/15/2023</u>			
CLERK OF COURT			
	OR		
Signature of Clerk or Deputy Clerk	Ju Su		
	Attorney's signature		
The name, address, email address, and telephone number of t	he attorney representing The Official Committee of Unsecured		

Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 339 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
☐ I served the subpoena by delivering a copy to the named person	on as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowe My fees are \$ for travel and \$ for services	d by law, in the amount of \$
I declare under penalty of perjury that this information is	
Date:	
_	Server's signature
_	Printed name and title
-	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfigure Parameters) Pg 340 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Bg 2Pgf3243 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO CLIFTON BAY INVESTMENTS LTD</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

²² The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Clifton Bay Investments Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 23 Cottonwood Grove Ltd 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Cottonwood Grove Ltd 2 Pacific Place, Unit 3532-36 88 Queensway Hong Kong Hong Kong

☐ Testimony: YOU ARE	COMMANDED to appear at the t	ime, date, and place	set forth below to testify at an examination
under Rule 2004, Federal R	ules of Bankruptcy Procedure. A c	opy of the court ord	ler authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be red	corded by this method:		
	ur representatives, must also bring nation, or objects, and must permit i		mination the following documents, testing, or sampling of the material:
Please see the attached requests for the production of documents.			
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.			
Date: <u>05/15/2023</u>			
(CLERK OF COURT		
		OR	
Ş	Signature of Clerk or Deputy Clerk	Ju. 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfit Docenas Pg 354 of 1597

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 355 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	son as follows:
on (date)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service	ved by law, in the amount of \$
I declare under penalty of perjury that this information i	
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfigure 2004 Examination)

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 2Pgf3259 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ²³	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO COTTONWOOD GROVE LTD

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

²³ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Cottonwood Grove Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 24 Cottonwood Technologies Ltd

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Cottonwood Technologies Ltd Lower Factory Road St. John's AG-04 Antigua and Barbuda

☐ Testimony: YOU ARE COMMANDED to appear at the time, date, and place	•
under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court or	der authorizing the examination is attached.
PLACE	DATE AND TIME
The examination will be recorded by this method:	
☑ Production: You, or your representatives, must also bring with you to the exa electronically stored information, or objects, and must permit inspection, copying.	
Please see the attached requests for the production of documents.	
The following provisions of Fed. R. Civ. P. 45, made applicable in bankr attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpodoing so.	your protection as a person subject to a
Date: 05/15/2023	
CLERK OF COURT	
OR	
Signature of Clerk or Deputy Clerk	
Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 371 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	rson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for services.	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfuncenas Pg 372 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Bg 2Pgf 3275 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com

tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ²⁴	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO COTTONWOOD TECHNOLOGIES LTD

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

²⁴ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Cottonwood Technologies Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 25 Crypto Bahamas LLC 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 285 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Crypto Bahamas LLC 3500 South Dupont Highway Dover, DE 19901

☐ <i>Testimony:</i> YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.		
PLACE	DATE AND TIME	
The examination will be recorded by this method	l:	
∑ <i>Production:</i> You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:		
Please see the attached requests for the producti	on of documents.	
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.		
Date: 05/15/2023		
CLERK OF COURT		
	OR	
Signature of Clerk or De	eputy Clerk	
	Attorney's signature	

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 387 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	rson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for services.	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfigure 2004 Examination)

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
 - (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

1
Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors;² and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pgf3291 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ²⁵	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO CRYPTO BAHAMAS LLC

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

²⁵ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Crypto Bahamas LLC produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000
jselendy@selendygay.com

Jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 26 DAAG Trading, DMCC 22-10964-mg Doc 2642-1 Fi B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Page 1) Entered 05/15/23 22:01:15 Filed 05/15/23

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al., Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: DAAG Trading, DMCC Unit 2617 DMCC Business Center Level No. 1, Jewelry & Gemplex 3 Dubai

United Arab Emirates

☐ <i>Testimony:</i> YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.		
PLACE	DATE AND TIME	
The examination will be recorded by this method:		
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:		
Please see the attached requests for the production of documents.		
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.		
Date: 05/15/2023		
CLERK OF COURT		
OR		
Signature of Clerk or Deputy Clerk		
Attorn	ey's signature	

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Pg 402 of 1597

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 403 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

received this subpoena for (name of individual and title, if any):
I served the subpoena by delivering a copy to the named person as follows:
on (<i>date</i>) ; or
I returned the subpoena unexecuted because:
Inless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the ritness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ My fees are \$ for travel and \$ for services, for a total of \$
I declare under penalty of perjury that this information is true and correct.
ate:
Server's signature
Printed name and title
Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfit poenas Pg 404 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

1
Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Bg 2Pgf4207 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ²⁶	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO DAAG TRADING, DMCC

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

²⁶ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that DAAG Trading, DMCC produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000
jselendy@selendygay.com

fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 27 Deck Technologies Holdings LLC

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Deck Technologies Holdings LLC 3500 South Dupont Highway Dover, DE 19901

☐ <i>Testimony:</i> YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.		
PLACE	DATE AND TIME	
The examination will be recorded by this method:		
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:		
Please see the attached requests for the production of documents.		
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.		
Date: 05/15/2023		
CLERK OF COURT		
OR		
Signature of Clerk or Deputy Clerk		
Attorne	ry's signature	

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 419 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
☐ I served the subpoena by delivering a copy to the named person as for	ollows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or one o witness the fees for one day's attendance, and the mileage allowed by la My fees are \$ for travel and \$ for services, for a	aw, in the amount of \$
I declare under penalty of perjury that this information is true an	nd correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfuncenas Pg 420 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 4223 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com

cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ²⁷	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO DECK TECHNOLOGIES HOLDINGS LLC

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

²⁷ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Deck Technologies Holdings LLC produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000
iselendy@selendygay.com

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 28
Deck Technologies Inc.

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfulpages Pg 433 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Deck Technologies Inc. 3500 South Dupont Highway Dover, DE 19901

	ppear at the time, date, and place set forth below to testify at an examination occdure. A copy of the court order authorizing the examination is attached.	
PLACE	DATE AND TIME	
The examination will be recorded by this method	l:	
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:		
Please see the attached requests for the producti	on of documents.	
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.		
Date: 05/15/2023		
CLERK OF COURT		
	OR	
Signature of Clerk or De	eputy Clerk	
	Attorney's signature	

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Subpoena for Rule 2004 Examin

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	son as follows:
on (date)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service	ved by law, in the amount of \$
I declare under penalty of perjury that this information i	
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfuncenas Pg 436 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoena Pg 4239 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO DECK TECHNOLOGIES INC.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

²⁸ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Deck Technologies Inc. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104

Tel.: 212-390-9000 jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 29
Deep Creek Ltd

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Deep Creek Ltd Unit 3B, Bryson's Commercial Complex, Friars Hill Road St. John's AG-04 Antigua and Barbuda

	1.1		der authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be i	recorded by this method:		
	•		
	your representatives, must also bring rmation, or objects, and must permit		mination the following documents, , testing, or sampling of the material:
Please see the attached r	requests for the production of docum	ents.	
attached – Rule 45(c), rela	ating to the place of compliance; Ru	le 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a sena and the potential consequences of not
Date: <u>05/15/2023</u>			
<u></u>	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	Ju 5	
		Attorn	ey's signature
TT1 11 11	11 1, 1 1 1 0,		TEL 0.00" : 1.0

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 451 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	rson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for services.	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pestimoenas Pg. 452 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoena Pg 4255 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ²⁹	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO DEEP CREEK LTD

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

²⁹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Deep Creek Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 30 Digital Custody Inc. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Digital Custody Inc. 122 S Phillips Ave, Suite 250 Sioux Falls, SD 57104

☐ Testimony: YOU AR	E COMMANDED to appear at the	time, date, and place	e set forth below to testify at an examination
under Rule 2004, Federal	Rules of Bankruptcy Procedure. A	copy of the court or	der authorizing the examination is attached.
PLACE			DATE AND TIME
			I
The examination will be	recorded by this method:		
	your representatives, must also bring rmation, or objects, and must permit		mination the following documents, testing, or sampling of the material:
Please see the attached 1	requests for the production of docum	ents.	
attached – Rule 45(c), rel	ating to the place of compliance; Ru	ale 45(d), relating to	uptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a sena and the potential consequences of not
Date: <u>05/15/2023</u>			
<u></u>	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	Jn 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Filed 05/15/23 Pg 467 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
I served the subpoena by delivering a copy to the named person	n as follows:
on (<i>date</i>)	; or
I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowed My fees are \$ for travel and \$ for services.	by law, in the amount of \$
I declare under penalty of perjury that this information is to	rue and correct.
Date:	
	Server's signature
	Printed name and title
_	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfitting enals Pg. 468 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pgf4271 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ³⁰	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO DIGITAL CUSTODY INC.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

³⁰ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Digital Custody Inc. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 31 Euclid Way Ltd 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Euclid Way Ltd Lower Factory Road St. John's AG-04 Antigua and Barbuda

*	e time, date, and place set forth below to testify at an examination
	A copy of the court order authorizing the examination is attached.
PLACE	DATE AND TIME
The examination will be recorded by this method:	
∑ <i>Production:</i> You, or your representatives, must also bring electronically stored information, or objects, and must permit	
Please see the attached requests for the production of docur	ments.
attached – Rule 45(c), relating to the place of compliance; R	e applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are cule 45(d), relating to your protection as a person subject to a respond to this subpoena and the potential consequences of not
Date: 05/15/2023	
CLERK OF COURT	
	OR
Signature of Clerk or Deputy Clerk	Attorney's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 483 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
I served the subpoena by delivering a copy to the named person	n as follows:
on (date)	; or
I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowed My fees are \$ for travel and \$ for services	d by law, in the amount of \$ for a total of \$
I declare under penalty of perjury that this information is t	rue and correct.
Date:	
_	Server's signature
	Printed name and title
_	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfuncenas Pg 484 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Bg 2Pgf4287 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com

tagangawilliams@selendygay.com

cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ³¹	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO EUCLID WAY LTD

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

³¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Euclid Way Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 32 FTX (Gibraltar) Ltd 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX (Gibraltar) Ltd Madison Building, Midtown, Queensway Gibraltar GX11 1AA Gibraltar

•	* *		set forth below to testify at an examination
under Rule 2004, Federal	Rules of Bankruptcy Procedure. A	copy of the court ord	ler authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be r	recorded by this method:		
	your representatives, must also bring rmation, or objects, and must permit		mination the following documents, testing, or sampling of the material:
Please see the attached re	equests for the production of docum	ents.	
attached – Rule 45(c), rela	ating to the place of compliance; Ru	le 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a sena and the potential consequences of not
Date: <u>05/15/2023</u>			
Date. <u>05/15/2025</u>	CLERK OF COURT		
	CLERK OF COOK!		
		OR	
	Signature of Clerk or Deputy Clerk	Jn 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 499 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	rson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for services.	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfuncenas Pg 500 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Bg 2Pgf5203 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com

cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ³²	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX (GIBRALTAR) LTD

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

³² The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX (Gibraltar) Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000
jselendy@selendygay.com

fgay@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 33 FTX Canada Inc

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (1 Subpoena Pg 513 of 1597

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Canada Inc. 421 7th Avenue SW Suite 4000 Calgary AB T2P4k9 Canada

<u>I Testimony: YOU ARE COMMANDED</u> to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.	
PLACE	DATE AND TIME
The examination will be recorded by this method:	
☑ Production: You, or your representatives, must also bring with you electronically stored information, or objects, and must permit inspection.	
Please see the attached requests for the production of documents.	
The following provisions of Fed. R. Civ. P. 45, made applicable attached – Rule 45(c), relating to the place of compliance; Rule 45(d), r subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to doing so.	relating to your protection as a person subject to a
Date: CLERK OF COURT	
OR	
Signature of Clerk or Deputy Clerk	Attorney's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Temidayo Aganga-Williams, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: tagangawilliams@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 514 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any, on (date)):
☐ I served the subpoena by delivering a copy to the named pers	son as follows:
on (<i>date</i>)	; or
I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for servic I declare under penalty of perjury that this information is	es, for a total of \$
Date:	Compan's sign atoms
	Server's signature Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfigure 2004 Examination) (Perfigure 2004 Examination)

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
 - (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 15218 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX CANADA INC

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

³³ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Canada Inc produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 34 FTX Certificates GmbH 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Certificates GmbH Churerstrasse 135 8808 Pffäffikon Switzerland

☐ <i>Testimony:</i> YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.		
PLACE	DATE AND TIME	
The examination will be recorded by this method:		
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:		
Please see the attached requests for the production of documents.		
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.		
Date: 05/15/2023		
CLERK OF COURT		
	OR	
Signature of Clerk or Deputy Clerk	Just	
	Attorney's signature	

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if an on (date)	ny):
☐ I served the subpoena by delivering a copy to the named p	erson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States witness the fees for one day's attendance, and the mileage allows My fees are \$ for travel and \$ for serve I declare under penalty of perjury that this information	vices, for a total of \$
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfulpoenas Pg 531 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 15234 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX CERTIFICATES GMBH

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

³⁴ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Certificates GmbH produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 35 FTX Crypto Services Ltd. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Crypto Services Ltd. Spyrou Kyprianou 23, 3rd Floor Limassol 4001 Cyprus

•	ED to appear at the time, date, and place set forth below to testify at an examination uptcy Procedure. A copy of the court order authorizing the examination is attached.
PLACE	DATE AND TIME
The examination will be recorded by this	method:
	ves, must also bring with you to the examination the following documents, ets, and must permit inspection, copying, testing, or sampling of the material:
Please see the attached requests for the p	production of documents.
attached – Rule 45(c), relating to the plac	R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are e of compliance; Rule 45(d), relating to your protection as a person subject to a ting to your duty to respond to this subpoena and the potential consequences of not
Date: <u>05/15/2023</u>	
CLERK OF CO	OURT
Signature of Cle	OR Perk or Deputy Clerk Attorney's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Subpoena for Rule 2004 Examin

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	son as follows:
on (date)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service	ved by law, in the amount of \$
I declare under penalty of perjury that this information i	
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfit poenas Pg 547 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

1
Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pgf5250 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangayilliams@selendyga

tagangawilliams@selendygay.com

cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ³⁵	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX CRYPTO SERVICES LTD.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

³⁵ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Crypto Services Ltd. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104

Tel.: 212-390-9000 jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 36 FTX Digital Assets LLC 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Digital Assets LLC 60 Broad St., Suite 2501 New York, NY 10004

_ ,	11		set forth below to testify at an examination
under Rule 2004, Federal	Rules of Bankruptcy Procedure. A	copy of the court ord	ler authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be r	recorded by this method:		
	our representatives, must also bring mation, or objects, and must permit		mination the following documents, testing, or sampling of the material:
Please see the attached re	equests for the production of docum	ents.	
attached – Rule 45(c), rela	ating to the place of compliance; Ru	le 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a ena and the potential consequences of not
Date: <u>05/15/2023</u>	CLEBY OF COURT		
	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	Jn 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 562 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	rson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for services.	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfigure 2004 Examination) (Perfigure 2004 Examination)

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pgf 5266 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com

cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ³⁶	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX DIGITAL ASSETS LLC

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

³⁶ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Digital Assets LLC produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 37 FTX Digital Holdings (Singapore) Pte Ltd

22-10964-mg Doc 2642-1 Filed 05/1 Entered 05/15/23 22:01:15 Filed 05/15/23 Exhibit 1-

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al., Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Digital Holdings (Singapore) Pte Ltd #11 Marina Bay Financial Centre 8 Marina Boulevard Singapore 018981 Singapore

	btcy Procedure. A copy of the court order authorizing the examination is attached.
PLACE	DATE AND TIME
The examination will be recorded by this n	nethod:
	es, must also bring with you to the examination the following documents, s, and must permit inspection, copying, testing, or sampling of the material:
Please see the attached requests for the pro-	oduction of documents.
attached – Rule 45(c), relating to the place	C. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are of compliance; Rule 45(d), relating to your protection as a person subject to a ng to your duty to respond to this subpoena and the potential consequences of not
Date: <u>05/15/2023</u>	
CLERK OF CO	URT
	OR
Signature of Clerk	k or Deputy Clerk
	Attorney's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Pg 577 of 1597

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 578 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	rson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for services.	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfit poenas Pg 579 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Bg 2Pgf5282 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ³⁷	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX DIGITAL HOLDINGS (SINGAPORE) PTE LTD

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

³⁷ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Digital Holdings (Singapore) Pte Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104

Tel.: 212-390-9000 jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 38 FTX EMEA Ltd. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX EMEA Ltd. Spyrou Kyprianou 23, 3rd Floor Limassol 4001 Cyprus

	11		der authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be	recorded by this method:		
	your representatives, must also bring rmation, or objects, and must permit		mination the following documents, testing, or sampling of the material:
Please see the attached requests for the production of documents.			
attached – Rule 45(c), rela	ating to the place of compliance; Ru	le 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a sena and the potential consequences of not
Date: 05/15/2023			
	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	Ju 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Subpoena for Rule 2004 Examin

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	rson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for services.	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfuncenas Pg 595 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 1298 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ³⁸	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX EMEA LTD.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

³⁸ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX EMEA Ltd. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 39 FTX Equity Record Holdings Ltd

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al., Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Equity Record Holdings Ltd F20 Eden Plaza 1st floor Eden Island Seychelles

-	1.1		set forth below to testify at an examination
under Rule 2004, Federal	Rules of Bankruptcy Procedure. A	copy of the court or	der authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be	recorded by this method:		
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:			
Please see the attached requests for the production of documents.			
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.			
Date: <u>05/15/2023</u>			
Date. <u>03/13/2025</u>	CLERK OF COURT		
	CLLICK OF COOK!		
		OR	
	Signature of Clerk or Deputy Clerk	Jn. 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Subpoena for Rule 2004 Examin

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
☐ I served the subpoena by delivering a copy to the named person as fo	llows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or one of witness the fees for one day's attendance, and the mileage allowed by la My fees are \$ for travel and \$ for services, for a I declare under penalty of perjury that this information is true and	w, in the amount of \$ total of \$
Date:	d contect.
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfigure 2004 Examination)

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Bg 2Pgf6214 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com

tagangawilliams@selendygay.com

cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ³⁹	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO FTX EQUITY RECORD HOLDINGS LTD</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

³⁹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Equity Record Holdings Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 40 FTX EU Ltd. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,

Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX EU Ltd. Churerstrasse 135 8808 Pffäffikon Switzerland

Creditors who issues or requests this subpoena, are:

390-9000 Email: jselendy@selendygay.com

	e time, date, and place set forth below to testify at an examination A copy of the court order authorizing the examination is attached.
PLACE	DATE AND TIME
The examination will be recorded by this method:	
☑ <i>Production:</i> You, or your representatives, must also brin electronically stored information, or objects, and must perm	
Please see the attached requests for the production of docu-	ments.
attached – Rule 45(c), relating to the place of compliance; R	le applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are Rule 45(d), relating to your protection as a person subject to a respond to this subpoena and the potential consequences of not
Date: <u>05/15/2023</u>	
CLERK OF COURT	
	OR
Signature of Clerk or Deputy Clerk	Just
	Attorney's signature
The name, address, email address, and telephone number of	the attorney representing The Official Committee of Unsecured

Notice to the person who issues or requests this subpoena

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 626 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	rson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for services.	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfit poenas Pg 627 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 1296230 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX EU LTD.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁴⁰ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX EU Ltd. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

Tel.: 212-390-9000 jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 41 FTX Europe AG

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Europe AG Churerstrasse 135 8808 Pffäffikon Switzerland

	e time, date, and place set forth below to testify at an examination
	a copy of the court order authorizing the examination is attached.
PLACE	DATE AND TIME
	-
The examination will be recorded by this method:	
☑ Production: You, or your representatives, must also brin electronically stored information, or objects, and must permit Output Description: You, or your representatives, must also brin electronically stored information, or objects, and must permit Description: You, or your representatives, must also brin electronically stored information, or objects, and must permit Description: You, or your representatives, must also brin electronically stored information, or objects, and must permit Description: You, or your representatives, must also brin electronically stored information, or objects, and must permit Description: You, or your representatives, must also brin electronically stored information. Description: You, or your representatives, must also brin electronically stored information. Description: You, or your representatives, must also brin electronically stored information. Description: You, or your representatives, must also bring the properties of t	
Please see the attached requests for the production of documents of the production of documents of the production of the	ments.
attached – Rule 45(c), relating to the place of compliance; R	e applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are sule 45(d), relating to your protection as a person subject to a respond to this subpoena and the potential consequences of not
Date: 05/15/2023	
CLERK OF COURT	
	OR
Signature of Clerk or Deputy Clerk	Juda
	Attorney's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Subpoena for Rule 2004 Examin

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if an on (date)	ny):
☐ I served the subpoena by delivering a copy to the named p	erson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for serv	owed by law, in the amount of \$
I declare under penalty of perjury that this information	n is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfigure Parameters) Pg 643 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

SOUTHERN DISTRICT OF NEW YORK	
In re:	Chapter 11
CELSIUS NETWORK LLC, et al.,1	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)
Debtors.	(Jointly Admini

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors;² and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Bg 2Pgf6246 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al.,41	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO FTX EUROPE AG</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁴¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Europe AG produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

Tel.: 212-390-9000 jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 42 FTX Exchange FZE 22-10964-mg Doc 2642-1 Filed 05/1 Entered 05/15/23 22:01:15 Exhibit 1-Filed 05/15/23

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al., Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Exchange FZE c/o FTX Europe AG Churerstrasse 135 8808 Pfäffikon United Arab Emirates

nuder Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached. PLACE DATE AND TIME The examination will be recorded by this method: Note that the examination will be recorded by this method: Note that the examination will be recorded by this method: Note that the examination will be recorded by this method: Note that the examination will be recorded by this method: Note that the examination will be recorded by this method: Note that the examination will be recorded by this method: Note that the examination will be recorded by this method: Note that the examination is attached. Note that the examination is	Testimony: YOU AR	E COMMANDED to appear at the	time, date, and place set forth below to testify at an examination
The examination will be recorded by this method: Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: Please see the attached requests for the production of documents. The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Date: 05/15/2023 OR Signature of Clerk or Deputy Clerk OR Signature of Clerk or Deputy Clerk OR OR OR OR OR OR OR O	under Rule 2004, Federal	Rules of Bankruptcy Procedure. A	copy of the court order authorizing the examination is attached.
The examination will be recorded by this method: Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: Please see the attached requests for the production of documents. The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Date: 05/15/2023 OR Signature of Clerk or Deputy Clerk OR Signature of Clerk or Deputy Clerk OR OR OR OR OR OR OR O	PLACE		DATE AND TIME
∑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: Please see the attached requests for the production of documents. The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached − Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Date: 05/15/2023 CLERK OF COURT OR Signature of Clerk or Deputy Clerk			
∑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: Please see the attached requests for the production of documents. The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached − Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Date: 05/15/2023 CLERK OF COURT OR Signature of Clerk or Deputy Clerk			
∑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: Please see the attached requests for the production of documents. The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached − Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Date: 05/15/2023 CLERK OF COURT OR Signature of Clerk or Deputy Clerk			
∑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: Please see the attached requests for the production of documents. The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached − Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Date: 05/15/2023 CLERK OF COURT OR Signature of Clerk or Deputy Clerk			I
Please see the attached requests for the production of documents. The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Date: 05/15/2023 CLERK OF COURT OR Signature of Clerk or Deputy Clerk	The examination will be	recorded by this method:	
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Date: 05/15/2023 CLERK OF COURT OR Signature of Clerk or Deputy Clerk			
attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Date: 05/15/2023 CLERK OF COURT OR Signature of Clerk or Deputy Clerk	Please see the attached r	requests for the production of docum	nents.
OR Signature of Clerk or Deputy Clerk	attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not		
OR Signature of Clerk or Deputy Clerk	Date: 05/15/2023		
Signature of Clerk or Deputy Clerk	<u>05/15/2020</u>	CLERK OF COURT	
			OR
Attorney's signature		Signature of Clerk or Deputy Clerk	Just
			Attorney's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfulpoenas Pg 657 of 1597

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Subpoena for Rule 2004 Examin

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
☐ I served the subpoena by delivering a copy to the named person	on as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowe My fees are \$ for travel and \$ for services	d by law, in the amount of \$
I declare under penalty of perjury that this information is	
Date:	
_	Server's signature
_	Printed name and title
-	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfigure 2004 Examination) (Perfigure 2004 Examination)

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

1
Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Bg 2Pgf6262 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com

taganga williams @ selendy gay.com

cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ⁴²	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX EXCHANGE FZE

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁴² The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Exchange FZE produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 43 FTX Hong Kong Ltd 22-10964-mg Doc 2642-1 Filed 05/19 B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Pesful poenas Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al., Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Hong Kong Ltd 135 Bonham Strand Trade Center Sheung Wan, Hong Kong Hong Kong

under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.			
PLACE			DATE AND TIME
The examination will be re	ecorded by this method:		
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:			
Please see the attached re	equests for the production of docum	ents.	
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.			
Date: <u>05/15/2023</u>			
	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	Jn 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Filed 05/15/23 Pg 674 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

received this subpoena for (name of individual and title, if any):
I served the subpoena by delivering a copy to the named person as follows:
on (<i>date</i>); or
I returned the subpoena unexecuted because:
Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the vitness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ My fees are \$ for travel and \$ for services, for a total of \$ I declare under penalty of perjury that this information is true and correct.
Date:
Server's signature
Printed name and title
Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfuncenas Pg 675 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Bg 2Pgf6278 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al.,43	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX HONG KONG LTD

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁴³ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Hong Kong Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104

Tel.: 212-390-9000 jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 44 FTX Japan Holdings K.K. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Japan Holdings K.K. 3 Chrome-17 Nishikicho Kanda, Chiyoda City Hirose Building 4F Tokyo 1010054 Japan

	ANDED to appear at the time, date, and place set forth below to testify at an examination bankruptcy Procedure. A copy of the court order authorizing the examination is attached.
PLACE	DATE AND TIME
The examination will be recorded b	y this method:
	entatives, must also bring with you to the examination the following documents, objects, and must permit inspection, copying, testing, or sampling of the material:
Please see the attached requests for	the production of documents.
attached – Rule 45(c), relating to the	Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are eplace of compliance; Rule 45(d), relating to your protection as a person subject to a relating to your duty to respond to this subpoena and the potential consequences of not
Date: <u>05/15/2023</u> CLERK	OF COURT
	OR
Signature	of Clerk or Deputy Clerk
	Attorney's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Pg 689 of 1597

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Subpoena for Rule 2004 Examin

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	son as follows:
on (date)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service	ved by law, in the amount of \$
I declare under penalty of perjury that this information i	
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfit poenas Pg 691 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 1294 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX JAPAN HOLDINGS K.K.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁴⁴ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Japan Holdings K.K. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 45 FTX Japan K.K. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Japan K.K. 3 Chrome-17 Nishikicho Kanda, Chiyoda City Hirose Building 4F Tokyo 1010054 Japan

	11		set forth below to testify at an examination
under Rule 2004, Federal	Rules of Bankruptcy Procedure. A	copy of the court ord	ler authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be a	recorded by this method:		
V Donato di Sana Vicana			
	your representatives, must also bring		testing, or sampling of the material:
creetionically stored infor	mation, or objects, and must permit	mspection, copying	, testing, or sumpring or the material.
Please see the attached r	equests for the production of docum	ents.	
The following pro	ovisions of Fed. R. Civ. P. 45, made	annlicable in bankri	uptcy cases by Fed. R. Bankr. P. 9016, are
			your protection as a person subject to a
			ena and the potential consequences of not
doing so.			
Date: 05/15/2023			
Date. <u>03/13/2023</u>	CLERK OF COURT		
	CLERK OF COOK!		
		OR	
		` (
	Signature of Clerk or Deputy Clerk	$\langle \gamma \rangle$	\sim
		/) ' C	
		Attorn	ey's signature
			· -

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfigure Page 2004 Examination) (Perfigure Pa

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 706 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	son as follows:
on (date)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service	ved by law, in the amount of \$
I declare under penalty of perjury that this information i	
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfuncenas Pg 707 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 17210 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al.,45	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX JAPAN K.K.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁴⁵ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Japan K.K. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104

Tel.: 212-390-9000 jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 46 FTX Japan Services KK 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Japan Services KK 3 Chrome-17 Nishikicho Kanda, Chiyoda City Hirose Building 4F Tokyo 1010054 Japan

☐ Testimony: YOU ARI	E COMMANDED to appear at the t	time, date, and place	set forth below to testify at an examination
under Rule 2004, Federal	Rules of Bankruptcy Procedure. A	copy of the court ord	ler authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be r	recorded by this method:		
		24 4 4	
	our representatives, must also bring		testing, or sampling of the material:
cicetromeany stored infor	mation, or objects, and must permit	mspection, copying,	testing, or sumpring or the material.
Please see the attached re	equests for the production of docum	ents.	
O I		* *	aptcy cases by Fed. R. Bankr. P. 9016, are
			your protection as a person subject to a ena and the potential consequences of not
doing so.	and 15(g), relating to your duty to 1	espond to this suope	ena and the potential consequences of not
Date: <u>05/15/2023</u>			
	CLERK OF COURT		
		OR	
			_
	Signature of Clerk or Deputy Clerk		
		()	> -
		Attorn	ey's signature
		71110111	cy s signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfigure Page 1997) Page 1997 Page

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg. 722 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	_	
☐ I served the subpoena by delivering a copy to the named person as follows:		
☐ I returned the subpoena unexecuted because:		
Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ My fees are \$ for travel and \$ for services, for a total of \$ I declare under penalty of perjury that this information is true and correct.		
Date:		
Server's signature		
Printed name and title		
Server's address		

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfigure 2004 Examination)

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 17226 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com

cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al.,46	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO FTX JAPAN SERVICES KK</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁴⁶ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Japan Services KK produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 47 FTX Lend Inc.

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perhaps Pg 736 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Lend Inc. 167 N Green Street, Suite 1102 Chicago, IL 60607

☐ <i>Testimony:</i> YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.		
PLACE	DATE AND TIME	
The examination will be recorded by this method	l:	
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:		
Please see the attached requests for the production of documents.		
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.		
Date: 05/15/2023		
CLERK OF COURT		
	OR	
Signature of Clerk or De	eputy Clerk	
	Attorney's signature	

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg. 738 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date) I served the subpoena by delivering a copy to the named person as follows:		
☐ I returned the subpoena unexecuted because:		
Unless the subpoena was issued on behalf of the United States witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for serv	owed by law, in the amount of \$	
I declare under penalty of perjury that this information	n is true and correct.	
Date:		
	Server's signature	
	Printed name and title	
	Server's address	

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfuncenas Pg 739 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Bg 2Pgf7242 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com

cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al.,47	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX LEND INC.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁴⁷ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Lend Inc. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 48 FTX Marketplace, Inc. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Peril Doc 262 – Pg 752 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Marketplace, Inc. 167 N Green Street, Suite 1102 Chicago, IL 60607

☐ <i>Testimony:</i> YOU ARE COMMANDED to appear at the time, date, and pla under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court	· ·	
PLACE	DATE AND TIME	
The examination will be recorded by this method:		
∑ <i>Production:</i> You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:		
Please see the attached requests for the production of documents.		
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.		
Date: 05/15/2023		
CLERK OF COURT		
OR		
Signature of Clerk or Deputy Clerk		
Atto	rney's signature	

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Filed 05/15/23 Pg 754 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date) I served the subpoena by delivering a copy to the named person as follows:		
☐ I returned the subpoena unexecuted because:		
My fees are \$ for travel and \$ for serv	owed by law, in the amount of \$ vices, for a total of \$	
I declare under penalty of perjury that this information Date:	n is true and correct.	
	Server's signature	
	Printed name and title	
	Server's address	

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfit poenas Pg 755 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors;² and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 17258 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ⁴⁸	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX MARKETPLACE, INC.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁴⁸ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Marketplace, Inc. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

Tel.: 212-390-9000 jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 49 FTX Products (Singapore) Pte Ltd

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 26 Agriculture Part 1507

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Products (Singapore) Pte Ltd 1 George Street #10-11 Singapore 049145 Singapore

•	* *		set forth below to testify at an examination
under Rule 2004, Federal	Rules of Bankruptcy Procedure. A	copy of the court or	ler authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be r	recorded by this method:		
	your representatives, must also bring rmation, or objects, and must permit		mination the following documents, testing, or sampling of the material:
Please see the attached re	equests for the production of docum	ents.	
attached – Rule 45(c), rela	ating to the place of compliance; Ru	le 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a sena and the potential consequences of not
Date: <u>05/15/2023</u>			
Date. <u>05/15/2025</u>	CLERK OF COURT		
	CLERK OF COOK!		
		OR	
	Signature of Clerk or Deputy Clerk	Jn 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 770 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
I served the subpoena by delivering a copy to the named person	n as follows:
on (<i>date</i>)	; or
I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowed My fees are \$ for travel and \$ for services.	by law, in the amount of \$
I declare under penalty of perjury that this information is to	rue and correct.
Date:	
	Server's signature
	Printed name and title
_	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfigure Parameters) Pg 771 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
 - (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 17274 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX PRODUCTS (SINGAPORE) PTE LTD

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁴⁹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Products (Singapore) Pte Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 50 FTX Property Holdings Ltd 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 284 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Property Holdings Ltd G.K. Symonette Building, Shirley Street Nassau, New Providence Bahamas

	time, date, and place set forth below to testify at an examination copy of the court order authorizing the examination is attached.
PLACE	DATE AND TIME
TEACE	DATE AND TIME
The examination will be recorded by this method:	
☑ Production: You, or your representatives, must also bring electronically stored information, or objects, and must permit	
Please see the attached requests for the production of docum	nents.
attached – Rule 45(c), relating to the place of compliance; Ru	e applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are alle 45(d), relating to your protection as a person subject to a respond to this subpoena and the potential consequences of not
Date: 05/15/2023	
CLERK OF COURT	
	OR
Signature of Clerk or Deputy Clerk	Ju Su
	Attorney's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg. 786 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
☐ I served the subpoena by delivering a copy to the named person	n as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowed My fees are \$ for travel and \$ for services.	d by law, in the amount of \$ for a total of \$
I declare under penalty of perjury that this information is to	rue and correct.
Date:	Server's signature
	Printed name and title
_	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfunceenas Pg 787 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

1
Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 17290 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ⁵⁰	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX PROPERTY HOLDINGS LTD

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

⁵⁰ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Property Holdings Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 51 FTX Services Solutions Ltd. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Services Solutions Ltd. Ellen L. Skelton Building, 2nd floor, Fishers Lane Road Town VG1110 British Virgin Islands

•	* *		set forth below to testify at an examination
under Rule 2004, Federal	Rules of Bankruptcy Procedure. A	copy of the court or	ler authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be r	recorded by this method:		
	your representatives, must also bring rmation, or objects, and must permit		mination the following documents, testing, or sampling of the material:
Please see the attached re	equests for the production of docum	ents.	
attached – Rule 45(c), rela	ating to the place of compliance; Ru	le 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a sena and the potential consequences of not
Date: <u>05/15/2023</u>			
Date. <u>05/15/2025</u>	CLERK OF COURT		
	CLERK OF COOK!		
		OR	
	Signature of Clerk or Deputy Clerk	Jn 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 802 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	_
☐ I served the subpoena by delivering a copy to the named person as follows:	
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ My fees are \$ for travel and \$ for services, for a total of \$ I declare under penalty of perjury that this information is true and correct.	
Date:	
Server's signature	
Printed name and title	
Server's address	

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfigure Parameters) Pg 803 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoena Bg 2Pgf8206 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al.,1	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX SERVICES SOLUTIONS LTD.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Services Solutions Ltd. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 1. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 2. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 3. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 4. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 5. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 6. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 7. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 8. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 9. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 10. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 11. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104

Tel.: 212-390-9000 jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 52 FTX Structured Products AG

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfulpoenas Pg 816 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

Creditors who issues or requests this subpoena, are:

390-9000 Email: jselendy@selendygay.com

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Structured Products AG 13 Schaanerstrasse Vaduz 9490 Liechtenstein

	time, date, and place set forth below to testify at an examination
	copy of the court order authorizing the examination is attached.
PLACE	DATE AND TIME
The examination will be recorded by this method:	
☑ Production: You, or your representatives, must also bring electronically stored information, or objects, and must permit Production: You, or your representatives, must also bring electronically stored information, or objects, and must permit Production: You, or your representatives, must also bring electronically stored information, or objects, and must permit Production: You, or your representatives, must also bring electronically stored information. Production: You, or your representatives, must also bring electronically stored information. Production: You, or your representatives, must also bring electronically stored information. Production: You, or your representatives, must also bring electronically stored information. Production: You, or your representatives, must also bring electronically stored information. Production: You, or your representatives. Prod	
Please see the attached requests for the production of docum	ments.
attached – Rule 45(c), relating to the place of compliance; Ru	e applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are ule 45(d), relating to your protection as a person subject to a respond to this subpoena and the potential consequences of not
Date: 05/15/2023	
CLERK OF COURT	
	OR
Signature of Clerk or Deputy Clerk	Ju Su
	Attorney's signature
The name, address, email address, and telephone number of	the attorney representing The Official Committee of Unsecured

Notice to the person who issues or requests this subpoena

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 818 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if an on (date)	yy):
☐ I served the subpoena by delivering a copy to the named pe	erson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service.	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfigure 2004 Examination) (Perfigure 2004 Examination)

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

SOUTHERN DISTRICT OF NEW YORK	1
In re:	Chapter 11
CELSIUS NETWORK LLC, et al.,1	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)
	I and the second

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoena Pgf8222 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com

tagangawilliams@selendygay.com

cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ²	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO FTX STRUCTURED PRODUCTS AG</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

² The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Structured Products AG produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 53 FTX Switzerland GmbH 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

Creditors who issues or requests this subpoena, are:

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Switzerland GmbH Churerstrasse 135 8808 Pffäffikon Switzerland

☐ <i>Testimony:</i> YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.	
PLACE	DATE AND TIME
The examination will be recorded by this method:	
∑ <i>Production</i> : You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:	
Please see the attached requests for the production of documents.	
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.	
Date: <u>05/15/2023</u>	
CLERK OF COURT	
	OR
Signature of Clerk or Deputy Clerk	Ju Su
	Attorney's signature
The name, address, email address, and telephone number of	the attorney representing The Official Committee of Unsecured

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 834 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date) I served the subpoena by delivering a copy to the named person as follows:		
☐ I returned the subpoena unexecuted because:		
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowe My fees are \$ for travel and \$ for services	d by law, in the amount of \$	
I declare under penalty of perjury that this information is		
Date:		
_	Server's signature	
_	Printed name and title	
-	Server's address	

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfigure 2004 Examination)

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 129 228 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ³	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX SWITZERLAND GMBH

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

³ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Switzerland GmbH produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 54 FTX Trading GmbH 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Trading GmbH 63 Wülfeler Straße 30539 Hannover Germany

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.	
PLACE	DATE AND TIME
The examination will be recorded by this	method:
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:	
Please see the attached requests for the production of documents.	
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.	
Date: <u>05/15/2023</u>	
CLERK OF CO	OURT
Signature of Cle	OR Perk or Deputy Clerk Attorney's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 850 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)		
I served the subpoena by delivering a copy to the named person as follows:		
on (<i>date</i>)	; or	
I returned the subpoena unexecuted because:		
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowed My fees are \$ for travel and \$ for services.	by law, in the amount of \$	
I declare under penalty of perjury that this information is to	rue and correct.	
Date:		
	Server's signature	
	Printed name and title	
_	Server's address	

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfuncenas Pg 851 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Bg 2Pgf8254 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al.,4	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX TRADING GMBH

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁴ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Trading GmbH produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 55 FTX Trading Ltd. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

Creditors who issues or requests this subpoena, are:

390-9000 Email: jselendy@selendygay.com

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,

Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Trading Ltd. 10-11 Mandolin Place, Friars Hill Road St. John's AG-04 Antigua and Barbuda

	time, date, and place set forth below to testify at an examination
	copy of the court order authorizing the examination is attached.
PLACE	DATE AND TIME
The examination will be recorded by this method:	
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:	
Please see the attached requests for the production of documents.	
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.	
Date: 05/15/2023	
CLERK OF COURT	
	OR
Signature of Clerk or Deputy Clerk	Ju Su
	Attorney's signature
The name, address, email address, and telephone number of	the attorney representing The Official Committee of Unsecured

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if an on (date)	ny):
☐ I served the subpoena by delivering a copy to the named p	erson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States witness the fees for one day's attendance, and the mileage allows My fees are \$ for travel and \$ for serve I declare under penalty of perjury that this information	vices, for a total of \$
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfuncenas Pg 867 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 1270 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CEL CHUC NETWORK 15	1
CELSIUS NETWORK, et al., ⁵	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX TRADING LTD.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁵ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Trading Ltd. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 56 FTX US Services, Inc. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perhaps Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,

Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX US Services, Inc. 167 N Green Street, Suite 1102 Chicago, IL 60607

	ppear at the time, date, and place set forth below to testify at an examination occdure. A copy of the court order authorizing the examination is attached.
PLACE	DATE AND TIME
The examination will be recorded by this method	l:
	est also bring with you to the examination the following documents, must permit inspection, copying, testing, or sampling of the material:
Please see the attached requests for the producti	on of documents.
attached – Rule 45(c), relating to the place of cor	P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are inpliance; Rule 45(d), relating to your protection as a person subject to a four duty to respond to this subpoena and the potential consequences of not
Date: 05/15/2023	
CLERK OF COURT	
	OR
Signature of Clerk or De	eputy Clerk
	Attorney's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 882 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	<i>י</i>):
☐ I served the subpoena by delivering a copy to the named per	son as follows:
on (date)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service I declare under penalty of perjury that this information is	ved by law, in the amount of \$ ves, for a total of \$
Date:	
	Server's signature Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfitneenas Pg 883 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 129f8286 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com

cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ⁷	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)
,	· ·

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX US SERVICES, INC.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁷ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius

Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX US Services, Inc. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 57 FTX US Trading, Inc. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 28 Pg 896 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX US Trading, Inc. 2000 Center Street, 4th Floor Berkeley, CA 94704

_ ,	11		e set forth below to testify at an examination
under Rule 2004, Federal	Rules of Bankruptcy Procedure. A	copy of the court ord	der authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be n	recorded by this method:		
	rour representatives, must also bring rmation, or objects, and must permit		mination the following documents, , testing, or sampling of the material:
Please see the attached r	equests for the production of docum	ents.	
attached – Rule 45(c), rela	ating to the place of compliance; Ru	le 45(d), relating to	uptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a sena and the potential consequences of not
Date: <u>05/15/2023</u>	CLEDY OF COURT		
	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	Jn 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 898 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

received this subpoena for (name of individual and title, if any):
I served the subpoena by delivering a copy to the named person as follows:
on (<i>date</i>); or
I returned the subpoena unexecuted because:
Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the vitness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$
My fees are \$ for travel and \$ for services, for a total of \$
I declare under penalty of perjury that this information is true and correct.
Date:
Server's signature
Printed name and title
Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfuncenas Pg 899 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dotoo26*2*642-FliledF**05**610*5*235/*2*3nteFende05610*5*23*512*35*22*081:1177airEpoloichitn1ent Subpoena Bg 2Pgf9202 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

_	
In re:	Chapter 11
CELSIUS NETWORK, et al.,8	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX US TRADING, INC.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁸ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX US Trading, Inc. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 58 FTX Ventures Ltd. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Ventures Ltd. Ellen L. Skelton Building, 2nd floor, Fishers Lane Road Town VG1110 British Virgin Islands

under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.		
PLACE	DATE AND TIME	
The examination will be recorded by this method:	<u> </u>	
X Production: You, or your representatives, must also bring with you to the electronically stored information, or objects, and must permit inspection, copy		
Please see the attached requests for the production of documents.		
The following provisions of Fed. R. Civ. P. 45, made applicable in battached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this studies doing so.	g to your protection as a person subject to a	
Date: <u>05/15/2023</u>		
CLERK OF COURT		
OR		
Signature of Clerk or Deputy Clerk		
Ai	ttorney's signature	

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 914 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	rson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for services.	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfigure 2004 Examination)

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dotoo26*2*642-FliledF**05**610*5*235/*2*3nteFende05610*5*23*512*35*22*081:1177airEpoloichitn1ent Subpoena Bg 2Pgf9218 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
III IC.	Спарил 11
CELSIUS NETWORK, et al.,9	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX VENTURES LTD.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

⁹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148): Celsius KeyFi LLC (4414): Celsius

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Ventures Ltd. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 59 FTX Zuma Ltd

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Zuma Ltd 35 Moloney Street, Obalende Lagos Island, Lagos 102273 Nigeria

Under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.			
PLACE	Rules of Bankruptey Frocedure. 71	copy of the court of	DATE AND TIME
TEACE			DATE AND TIME
The examination will be a	recorded by this method:		
▼ Production: You, or y	your representatives, must also bring	with you to the exa	mination the following documents.
			, testing, or sampling of the material:
Please see the attached r	requests for the production of docum	ents.	
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.			
Date: 05/15/2023			
	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	\mathrew{\gamma}	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 930 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
I served the subpoena by delivering a copy to the named persor	n as follows:
on (date)	; or
I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowed My fees are \$ for travel and \$ for services,	by law, in the amount of \$
I declare under penalty of perjury that this information is to	rue and correct.
Date:	
	Server's signature
	Printed name and title
_	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfit poenas Pg 931 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

SOUTHERN DISTRICT OF NEW YORK	1
In re:	Chapter 11
CELSIUS NETWORK LLC, et al.,1	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dotoo26*2*642-FliledF**05**610*5*235/*2*3nteFende05610*5*23*512*35*22*081:1177airEpoloichitn1ent Subpoena Bg 2Pgf9234 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com

cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ¹⁰	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO FTX ZUMA LTD

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

¹⁰ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that FTX Zuma Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000

Tel.: 212-390-9000 jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 60 GG Trading Terminal Ltd 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: GG Trading Terminal Ltd 70 Sir John Rogerson's Quay Dublin D02R296 Ireland

*	e time, date, and place set forth below to testify at an examination	
	a copy of the court order authorizing the examination is attached.	
PLACE	DATE AND TIME	
	1	
The examination will be recorded by this method:		
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:		
Please see the attached requests for the production of documents.		
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.		
Date: 05/15/2023		
CLERK OF COURT		
	OR	
Signature of Clerk or Deputy Clerk	Just	
	Attorney's signature	

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 946 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if an on (date)	yy):	
☐ I served the subpoena by delivering a copy to the named person as follows:		
on (<i>date</i>)	; or	
☐ I returned the subpoena unexecuted because:		
Unless the subpoena was issued on behalf of the United States witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service.	wed by law, in the amount of \$	
I declare under penalty of perjury that this information	is true and correct.	
Date:		
	Server's signature	
	Printed name and title	
	Server's address	

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfit poenas Pg 947 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Pg 1250 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO GG TRADING TERMINAL LTD</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

¹¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that GG Trading Terminal Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

Tel.: 212-390-9000 jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 61 Global Compass Dynamics Ltd. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Global Compass Dynamics Ltd. Unit 3B, Bryson's Commercial Complex, Friars Hill Road St. John's AG-04 Antigua and Barbuda

	1.1		der authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be i	recorded by this method:		
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:			
Please see the attached requests for the production of documents.			
attached – Rule 45(c), rela	ating to the place of compliance; Ru	le 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a sena and the potential consequences of not
Date: <u>05/15/2023</u>			
<u></u>	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	Ju 5	
		Attorn	ey's signature
TT1 11 11	11 1, 1 1 1 0,		TEL 0.00" : 1.0

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 962 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if an on (date)	<i>ay)</i> :	
I served the subpoena by delivering a copy to the named person as follows:		
on (<i>date</i>)	; or	
☐ I returned the subpoena unexecuted because:		
Unless the subpoena was issued on behalf of the United States witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for server I declare under penalty of perjury that this information	ices, for a total of \$	
Date:	as the and correct.	
	Server's signature	
	Printed name and title	
	Server's address	

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfit Doc 263 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoena Bg 2Pgf9266 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., 12	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO GLOBAL COMPASS DYNAMICS LTD.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

¹² The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Global Compass Dynamics Ltd. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 62 Good Luck Games, LLC 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Good Luck Games, LLC 167 N Green Street, Suite 1102 Chicago, IL 60607

	* *		set forth below to testify at an examination ler authorizing the examination is attached.
PLACE			DATE AND TIME
The exemination will be recorded	by this mathod		
The examination will be recorded	by this method:		
			mination the following documents, testing, or sampling of the material:
Please see the attached requests f	or the production of docume	ents.	
attached – Rule 45(c), relating to t	he place of compliance; Rule	e 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a ena and the potential consequences of not
Date: 05/15/2023			
<u></u>	C OF COURT		
		OR	
Signatui	re of Clerk or Deputy Clerk	Jn5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 978 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
☐ I served the subpoena by delivering a copy to the named person as fo	llows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or one of witness the fees for one day's attendance, and the mileage allowed by la My fees are \$ for travel and \$ for services, for a I declare under penalty of perjury that this information is true and	w, in the amount of \$ total of \$
Date:	d contect.
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfuncenas Pg 979 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoena Bg 2Pgf9282 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, NY 10104 Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., 13	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO GOOD LUCK GAMES, LLC

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

¹³ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Good Luck Games, LLC produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

Tel.: 212-390-9000 jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 63 Goodman Investments Ltd

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perful) Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination)

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Goodman Investments Ltd Trinity Chambers PO Box 4301 Road Town, Tortola VG 1110 British Virgin Islands

	copy of the court order authorizing the examination is attached.
PLACE	DATE AND TIME
The examination will be recorded by this method:	
☑ Production: You, or your representatives, must also bring electronically stored information, or objects, and must permit	
Please see the attached requests for the production of docum	nents.
attached – Rule 45(c), relating to the place of compliance; Ru	applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are ale 45(d), relating to your protection as a person subject to a respond to this subpoena and the potential consequences of not
Date: <u>05/15/2023</u>	
CLERK OF COURT	
	OR
Signature of Clerk or Deputy Clerk	Ju Su
	Attorney's signature
The name, address, email address, and telephone number of t	he attorney representing The Official Committee of Unsecured

Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perform 2540 - Subpoena for Rule 2004 Examin

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Perform 2540 – Pg 994 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
I served the subpoena by delivering a copy to the named person	n as follows:
on (<i>date</i>)	; or
I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowed My fees are \$ for travel and \$ for services.	by law, in the amount of \$
I declare under penalty of perjury that this information is to	rue and correct.
Date:	
	Server's signature
	Printed name and title
_	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perfigure 2004 Examination)

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoena Pg 1298 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO GOODMAN INVESTMENTS LTD.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

¹⁴ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Goodman Investments Ltd. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 64 Hannam Group Inc 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Periphoenas Pg 1008 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Hannam Group Inc Changjin-dong, Tower 8, 7, Jongno 5-gil Jongno-gu, Seoul Korea

-	* *		set forth below to testify at an examination
under Rule 2004, Federal Ru	iles of Bankruptcy Procedure. A co	opy of the court ord	der authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be reco	orded by this method:		
			mination the following documents, , testing, or sampling of the material:
Please see the attached requ	uests for the production of docume	nts.	
attached – Rule 45(c), relatir	ng to the place of compliance; Rule	45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a sena and the potential consequences of not
Date: 05/15/2023			
	CLERK OF COURT		
		O.D.	
		OR	_
\overline{Si}	ignature of Clerk or Deputy Clerk	Jn 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Subpoenas Pg 1009 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1010 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):	
I served the subpoena by delivering a copy to the named person as follows:		
on (<i>date</i>)	; or	
☐ I returned the subpoena unexecuted because:		
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for services.	wed by law, in the amount of \$	
I declare under penalty of perjury that this information	is true and correct.	
Date:		
	Server's signature	
	Printed name and title	
	Server's address	

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Septimoenas Pg 1011 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoenas Pg 2 op 12 014 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com

tagangawilliams@selendygay.com cobrien@selendygay.com

coordinates and services are services and services are services and services and services and services are services are services and services are se

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ¹⁵	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO HANNAM GROUP INC</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

¹⁵ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Hannam Group Inc produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 65 Hawaii Digital Assets Inc. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Peril Documes Pg. 1024 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Hawaii Digital Assets Inc. 167 N Green Street, Suite 1102 Chicago, IL 60607

	* *		set forth below to testify at an examination ler authorizing the examination is attached.
PLACE			DATE AND TIME
The exemination will be recorded	by this mathod		
The examination will be recorded	by this method:		
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:			
Please see the attached requests f	or the production of docume	ents.	
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.			
Date: 05/15/2023			
<u></u>	C OF COURT		
		OR	
Signatui	re of Clerk or Deputy Clerk	Jn5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephboenas Pg 1025 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1026 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

received this subpoena for (name of individual and title, if any):
I served the subpoena by delivering a copy to the named person as follows:
on (<i>date</i>) ; or
I returned the subpoena unexecuted because:
Inless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the ritness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ My fees are \$ for travel and \$ for services, for a total of \$
I declare under penalty of perjury that this information is true and correct.
ate:
Server's signature
Printed name and title
Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Septimoenas Pg 1027 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
	1
CELSIUS NETWORK, et al., 16	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO HAWAII DIGITAL ASSETS INC.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

¹⁶ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Hawaii Digital Assets Inc. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 66 Hilltop Technology Services LLC

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perhaps Pg 1040 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Hilltop Technology Services LLC 3500 South Dupont Highway Dover, DE 19901

☐ <i>Testimony:</i> YOU ARE COMMANDED to appear at the time, date, and pla under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court	· ·
PLACE	DATE AND TIME
The examination will be recorded by this method:	
∑ <i>Production:</i> You, or your representatives, must also bring with you to the electronically stored information, or objects, and must permit inspection, copyi	
Please see the attached requests for the production of documents.	
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.	
Date: 05/15/2023	
CLERK OF COURT	
OR	
Signature of Clerk or Deputy Clerk	
Atto	rney's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephoenas Pg 1041 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopenas Pg. 1042 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	son as follows:
on (date)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service	ved by law, in the amount of \$
I declare under penalty of perjury that this information i	
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Septimoenas Pg 1043 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoenas 2 2012 246 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., 17	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO HILLTOP TECHNOLOGY SERVICES LLC

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

¹⁷ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Hilltop Technology Services LLC produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000
jselendy@selendygay.com

fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 67 Hive Empire Trading Pty Ltd UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al., Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Hive Empire Trading Pty Ltd c/o FTX Trading Ltd. 10-11 Mandolin Place, Friars Hill Road St. John's AG-04 Antigua and Barbuda

☐ Testimony: YOU AR	E COMMANDED to appear at the	time, date, and place	e set forth below to testify at an examination
under Rule 2004, Federal	Rules of Bankruptcy Procedure. A	copy of the court or	der authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be	recorded by this method:		
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:			
Please see the attached requests for the production of documents.			
attached – Rule 45(c), rel	ating to the place of compliance; Ru	le 45(d), relating to	uptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a sena and the potential consequences of not
Date: <u>05/15/2023</u>			
<u> </u>	CLERK OF COURT		
		C.P.	
		OR	_
	Signature of Clerk or Deputy Clerk	Just	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1057 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
☐ I served the subpoena by delivering a copy to the named person as fo	llows:
on (date)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or one of witness the fees for one day's attendance, and the mileage allowed by la My fees are \$ for travel and \$ for services, for a I declare under penalty of perjury that this information is true and	w, in the amount of \$ total of \$
Date:	d contect.
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Septimoenas Pg 1058 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
 - (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

SOUTHERN DISTRICT OF NEW YORK	
In re:	Chapter 11
CELSIUS NETWORK LLC, et al.,1	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)
Debtors.	(Jointly Admini

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoenas 2 2012 2012 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO HIVE EMPIRE TRADING PTY LTD</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

¹⁸ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Hive Empire Trading Pty Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000
iselendy@selendygay.com

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 68 Innovatia Ltd

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Periphoenas Pg 1071 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Innovatia Ltd Karpenisiou 30 Nicosia 1077 Cyprus

<i>Testimony:</i> YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.				
PLACE	Rules of Bankruptey Frocedure. 71	copy of the court of	DATE AND TIME	
TEACE			DATE AND TIME	
The examination will be a	The examination will be recorded by this method:			
▼ Production: You, or y	your representatives, must also bring	with you to the exa	mination the following documents.	
			, testing, or sampling of the material:	
Please see the attached r	requests for the production of docum	ents.		
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.				
Date: 05/15/2023				
	CLERK OF COURT			
		OR		
	Signature of Clerk or Deputy Clerk	\mathrew{\gamma}		
		Attorn	ey's signature	

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephoenas Pg 1072 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1073 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

received this subpoena for (name of individual and title, if any): on (date)
I served the subpoena by delivering a copy to the named person as follows:
on (<i>date</i>); or
I returned the subpoena unexecuted because:
Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ My fees are \$ for travel and \$ for services, for a total of \$
I declare under penalty of perjury that this information is true and correct.
Date:
Server's signature
Printed name and title
Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Septimoenas Pg 1074 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

SOUTHERN DISTRICT OF NEW YORK	1
In re:	Chapter 11
CELSIUS NETWORK LLC, et al.,1	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)
	1

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoenas Pg 2 op 1 2077 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com

tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO INNOVATIA LTD

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

¹⁹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Innovatia Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 69
Island Bay Ventures Inc

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Periphoenas Pg 1087 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,

Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Island Bay Ventures Inc 3500 South Dupont Highway Dover, DE 19901

☐ <i>Testimony:</i> YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.		
PLACE	DATE AND TIME	
The examination will be recorded by this method:		
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:		
Please see the attached requests for the production of documents.		
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.		
Date: 05/15/2023		
CLERK OF COURT		
	OR	
Signature of Clerk or De	eputy Clerk	
	Attorney's signature	

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephboenas Pg 1088 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1089 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)		
☐ I served the subpoena by delivering a copy to the named person as follows:		
on (<i>date</i>)	; or	
☐ I returned the subpoena unexecuted because:		
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowe My fees are \$ for travel and \$ for services	d by law, in the amount of \$	
I declare under penalty of perjury that this information is		
Date:		
_	Server's signature	
_	Printed name and title	
-	Server's address	

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Psychopenas Pg 1090 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoenas 2 201293 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ²⁰	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO ISLAND BAY VENTURES INC

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

²⁰ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Island Bay Ventures Inc produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000
iselendy@selendygay.com

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 70 Killarney Lake Investments Ltd

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Periphoenas Pg 1103 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Killarney Lake Investments Ltd Ellen L. Skelton Building, 2nd floor Fishers Lane, P.O. Box 681 Road Town VG1110 British Virgin Islands

☐ <i>Testimony:</i> YOU ARE COMMANDED to appear at	the time, date, and place set forth below to testify at an examination	
under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.		
PLACE	DATE AND TIME	
The examination will be recorded by this method:		
	ring with you to the examination the following documents,	
electronically stored information, or objects, and must per	mit inspection, copying, testing, or sampling of the material:	
Please see the attached requests for the production of do	cuments.	
	ade applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are	
	; Rule 45(d), relating to your protection as a person subject to a	
subpoena; and Rule 45(e) and 45(g), relating to your duty doing so.	to respond to this subpoena and the potential consequences of not	
doing so.		
Date: <u>05/15/2023</u>		
CLERK OF COURT		
	O.D.	
	OR	
Giovanto of Cloub on Donate Clou		
Signature of Clerk or Deputy Cler		
	Attorney's signature	

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephboenas Pg 1104 of 1597

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1105 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)		
☐ I served the subpoena by delivering a copy to the named person as follows:		
on (<i>date</i>)	; or	
☐ I returned the subpoena unexecuted because:		
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowe My fees are \$ for travel and \$ for services	d by law, in the amount of \$	
I declare under penalty of perjury that this information is		
Date:		
_	Server's signature	
_	Printed name and title	
-	Server's address	

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Septimoenas Pg 1106 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoenas 2 201209 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ²¹	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO KILLARNEY LAKE INVESTMENTS LTD</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

²¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Killarney Lake Investments Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 71 Ledger Holdings Inc. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Peril Documes Pg. 1119 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Ledger Holdings Inc. 1110 Brickell Ave, Suite 430k-200 Miami, FL 33131

☐ Testimony: YOU AR	E COMMANDED to appear at the	time, date, and place	e set forth below to testify at an examination
under Rule 2004, Federal	Rules of Bankruptcy Procedure. A	copy of the court or	der authorizing the examination is attached.
PLACE			DATE AND TIME
			1
The examination will be	recorded by this method:		
	your representatives, must also bring rmation, or objects, and must permit		mination the following documents, , testing, or sampling of the material:
Please see the attached i	requests for the production of docum	nents.	
attached – Rule 45(c), rel	ating to the place of compliance; Ru	ale 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a sena and the potential consequences of not
Date: <u>05/15/2023</u>			
<u> </u>	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	Jn 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephoenas Pg 1120 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg 1121 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if an on (date)	ny):
☐ I served the subpoena by delivering a copy to the named p	erson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for serv	owed by law, in the amount of \$
I declare under penalty of perjury that this information	n is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Expression of Page 1122 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

1
Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoenas 2 201225 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com

tagangawilliams@selendygay.com

cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ²²	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO LEDGER HOLDINGS INC.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

²² The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Ledger Holdings Inc. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 72 LedgerPrime Bitcoin Yield Enhancement Fund, LLC

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Peril Documes Pg. 1135 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

Creditors who issues or requests this subpoena, are:

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: LedgerPrime Bitcoin Yield Enhancement Fund, LLC c/o Harneys Fiduciary (Cayman) Ltd 4th Floor, Harbour Place, 103 South Church Street George Town KY1-1002 Cayman Islands
Cayman Islands

	appear at the time, date, and place set forth below to testify at an examination
under Rule 2004, Federal Rules of Bankruptcy P	Procedure. A copy of the court order authorizing the examination is attached.
PLACE	DATE AND TIME
The examination will be recorded by this metho	d:
	ust also bring with you to the examination the following documents,
electronically stored information, or objects, and	I must permit inspection, copying, testing, or sampling of the material:
Please see the attached requests for the product	tion of documents.
C I	P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are
	mpliance; Rule 45(d), relating to your protection as a person subject to a
subpoena; and Rule 45(e) and 45(g), relating to	mpliance; Rule 45(d), relating to your protection as a person subject to a your duty to respond to this subpoena and the potential consequences of not
subpoena; and Rule 45(e) and 45(g), relating to	
subpoena; and Rule 45(e) and 45(g), relating to y doing so.	
subpoena; and Rule 45(e) and 45(g), relating to good doing so. Date: 05/15/2023	your duty to respond to this subpoena and the potential consequences of not
subpoena; and Rule 45(e) and 45(g), relating to good doing so. Date: 05/15/2023	
subpoena; and Rule 45(e) and 45(g), relating to y doing so. Date: 05/15/2023 CLERK OF COURT	your duty to respond to this subpoena and the potential consequences of not OR
subpoena; and Rule 45(e) and 45(g), relating to good doing so. Date: 05/15/2023	your duty to respond to this subpoena and the potential consequences of not OR
subpoena; and Rule 45(e) and 45(g), relating to y doing so. Date: 05/15/2023 CLERK OF COURT	your duty to respond to this subpoena and the potential consequences of not OR
subpoena; and Rule 45(e) and 45(g), relating to y doing so. Date: 05/15/2023 CLERK OF COURT	your duty to respond to this subpoena and the potential consequences of not OR

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephboenas Pg 1136 of 1597

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg 1137 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

received this subpoena for (name of individual and title, if any):
I served the subpoena by delivering a copy to the named person as follows:
on (<i>date</i>) ; or
I returned the subpoena unexecuted because:
Inless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the ritness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ My fees are \$ for travel and \$ for services, for a total of \$
I declare under penalty of perjury that this information is true and correct.
ate:
Server's signature
Printed name and title
Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Psychopenas Pg 1138 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoenas 2 20 1241 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO LEDGERPRIME BITCOIN YIELD ENHANCEMENT FUND, LLC

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

²³ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that LedgerPrime Bitcoin Yield Enhancement Fund, LLC produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 73 LedgerPrime Bitcoin Yield Enhancement Master Fund LP

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Periphoenas Pg 1151 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: LedgerPrime Bitcoin Yield Enhancement Master Fund LP c/o Harneys Fiduciary (Cayman) Ltd 4th Floor, Harbour Place, 103 South Church Street George Town KY1-1002 Cayman Islands
Cayman Islands

	11		der authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be recorded	ed by this method:		
	•		
			mination the following documents, testing, or sampling of the material:
Please see the attached request	ts for the production of documen	ts.	
attached – Rule 45(c), relating to	o the place of compliance; Rule	45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a sena and the potential consequences of not
Date: 05/15/2023			
<u> </u>	RK OF COURT		
		OR	
Signa	uture of Clerk or Deputy Clerk)n{	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephenas Pg 1152 of 1597

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1153 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	rson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for services.	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Septimoenas Pg 1154 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:117JairEt2koichitn1ent Subpoenas Pg 2 gp 1.257 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO LEDGERPRIME BITCOIN YIELD ENHANCEMENT MASTER FUND, LP

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

²⁴ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that LedgerPrime Bitcoin Yield Enhancement Master Fund, LP produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000
jselendy@selendygay.com
fgay@selendygay.com

tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 74 LedgerPrime Digital Asset Opportunities Fund, LLC

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

Creditors who issues or requests this subpoena, are:

390-9000 Email: jselendy@selendygay.com

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: LedgerPrime Digital Asset Opportunities Fund, LLC c/o United Corporate Services Inc. 874 Walker Rd, Suite C Dover, DE 19901

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.	
PLACE	DATE AND TIME
The examination will be recorded by this method:	
☑ Production: You, or your representatives, must also bring electronically stored information, or objects, and must permit	
Please see the attached requests for the production of documents.	
attached – Rule 45(c), relating to the place of compliance; Ru	applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are alle 45(d), relating to your protection as a person subject to a respond to this subpoena and the potential consequences of not
Date: <u>05/15/2023</u>	
CLERK OF COURT	
	OR
Signature of Clerk or Deputy Clerk	Attorney's signature
The name, address, email address, and telephone number of t	he attorney representing The Official Committee of Unsecured

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Psychologias Pg 1168 of 1597

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg 1169 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any, on (date)):
☐ I served the subpoena by delivering a copy to the named pers	son as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service	ved by law, in the amount of \$
I declare under penalty of perjury that this information is	
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Exhibit poenas Pg 1170 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:117JairEt2koichitn1ent Subpoenas 2 201273 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO LEDGERPRIME DIGITAL ASSET OPPORTUNITIES FUND, LLC

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

²⁵ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that LedgerPrime Digital Asset Opportunities Fund, LLC produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 75 LedgerPrime Digital Asset Opportunities Master Fund LP

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Periphoenas Pg 1183 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

Creditors who issues or requests this subpoena, are:

390-9000 Email: jselendy@selendygay.com

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: LedgerPrime Digital Asset Opportunities Master Fund LP c/o Harneys Fiduciary (Cayman) Ltd 4th Floor, Harbour Place, 103 South Church Street George Town KY1-1002 Cayman Islands
Cayman Islands

	ppear at the time, date, and place set forth below to testify at an examination
under Rule 2004, Federal Rules of Bankruptcy Pr	rocedure. A copy of the court order authorizing the examination is attached.
PLACE	DATE AND TIME
The examination will be recorded by this method	l:
	est also bring with you to the examination the following documents,
electronically stored information, or objects, and	must permit inspection, copying, testing, or sampling of the material:
Please see the attached requests for the producti	on of documents.
C I	P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are
attached Dula 15(a) relating to the place of som	
	mpliance; Rule 45(d), relating to your protection as a person subject to a
subpoena; and Rule 45(e) and 45(g), relating to y	our duty to respond to this subpoena and the potential consequences of not
subpoena; and Rule 45(e) and 45(g), relating to y	
subpoena; and Rule 45(e) and 45(g), relating to y doing so.	
subpoena; and Rule 45(e) and 45(g), relating to y doing so. Date: 05/15/2023	our duty to respond to this subpoena and the potential consequences of not
subpoena; and Rule 45(e) and 45(g), relating to y doing so. Date: 05/15/2023	
subpoena; and Rule 45(e) and 45(g), relating to y doing so. Date: 05/15/2023 CLERK OF COURT	OR OR
subpoena; and Rule 45(e) and 45(g), relating to y doing so. Date: 05/15/2023	OR OR
subpoena; and Rule 45(e) and 45(g), relating to y doing so. Date: 05/15/2023 CLERK OF COURT	OR OR
subpoena; and Rule 45(e) and 45(g), relating to y doing so. Date: 05/15/2023 CLERK OF COURT	OR OR

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephenas Pg 1184 of 1597

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1185 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if an on (date)	ny):
☐ I served the subpoena by delivering a copy to the named p	erson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States witness the fees for one day's attendance, and the mileage allows My fees are \$ for travel and \$ for serve I declare under penalty of perjury that this information	vices, for a total of \$
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Psychopenas Pg 1186 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoenas 2 201289 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com

cobrien@selendygay.com

cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ²⁶	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO LEDGERPRIME DIGITAL ASSET OPPORTUNITIES MASTER FUND LP

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

²⁶ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors,
Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al.

(the "Committee"), by and through its undersigned counsel, hereby requests that LedgerPrime
Digital Asset Opportunities Master Fund LP produce documents in response to the requests below
within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000
iselendy@selendygav.com

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 76 LedgerPrime LLC 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perhaps Pg 1199 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: LedgerPrime LLC 1209 Orange St Corporation Trust Center Wilmington, DE 19901

☐ <i>Testimony:</i> YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.		
PLACE	DATE AND TIME	
The examination will be recorded by this method:		
∑ <i>Production:</i> You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:		
Please see the attached requests for the production of documents.		
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.		
Date: 05/15/2023		
CLERK OF COURT		
	OR	
Signature of Clerk or De	eputy Clerk	
	Attorney's signature	

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephboenas Pg 1200 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopenas Pg 1201 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
I served the subpoena by delivering a copy to the named person	n as follows:
on (<i>date</i>)	; or
I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowed My fees are \$ for travel and \$ for services.	by law, in the amount of \$
I declare under penalty of perjury that this information is to	rue and correct.
Date:	
	Server's signature
	Printed name and title
_	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Expression Page 1202 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

1
Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoenas Pg 2gpfl 205 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

*	~ 1.1
In re:	Chapter 11
CELSIUS NETWORK, et al., ²⁷	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO LEDGERPRIME LLC

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

²⁷ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that LedgerPrime LLC produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104

Tel.: 212-390-9000 jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 77 LedgerPrime Ventures, LP 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Periphoenas Pg 1215 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: LedgerPrime Ventures, LP 4th Floor, Harbour Place, 103 South Church Street George Town KY1-1002 Cayman Islands

under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.		
PLACE	DATE AND TIME	
The examination will be recorded by this method:		
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:		
Please see the attached requests for the production of documents.		
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.		
Date: <u>05/15/2023</u>		
CLERK OF COURT		
OR		
Signature of Clerk or Deputy Clerk	Ju Su	
	Attorney's signature	

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephoenas Pg 1216 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg 1217 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	rson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for services.	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Septimoenas Pg 1218 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoenas Pg 2 op 1221 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ²⁸	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)
	1

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO LEDGERPRIME VENTURES, LP</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

²⁸ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that LedgerPrime Ventures, LP produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 78 Liquid Financial USA Inc. B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al., Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Liquid Financial USA Inc. c/o FTX Japan Holdings K.K. 3 Chrome-17 Nishikicho Kanda, Chiyoda City Hirose Building 4F Tokyo 1010054 Japan

☐ Testimony: YOU ARI	E COMMANDED to appear at the t	ime, date, and place	set forth below to testify at an examination
under Rule 2004, Federal	Rules of Bankruptcy Procedure. A	copy of the court ord	ler authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be r	recorded by this method:		
	our representatives, must also bring		
electronically stored infor	mation, or objects, and must permit	inspection, copying,	testing, or sampling of the material:
Please see the attached re	equests for the production of docum	ents.	
The following pro	ovisions of Fed. R. Civ. P. 45, made	applicable in bankru	uptcy cases by Fed. R. Bankr. P. 9016, are
			your protection as a person subject to a
			ena and the potential consequences of not
doing so.			
Date: 05/15/2023			
Date. <u>05/15/2025</u>	CLERK OF COURT		
	CLERK OF COURT		
		OR	
		, (
	Signature of Clerk or Deputy Clerk	$\langle \gamma \rangle$	\sim
		/) ' ()
		Attorn	ey's signature
		11110111	-/0

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Psychologias Pg 1232 of 1597

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pstiblogenas Pg 1233 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	son as follows:
on (date)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service	ved by law, in the amount of \$
I declare under penalty of perjury that this information i	
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Expression of the Control of the Control

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

SOUTHERN DISTRICT OF NEW YORK	1
In re:	Chapter 11
CELSIUS NETWORK LLC, et al.,1	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoenas 2 201237 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ²⁹	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO LIQUID FINANCIAL USA INC.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

²⁹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Liquid Financial USA Inc. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000
jselendy@selendygay.com

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 79 Liquid Securities Singapore Pte Ltd

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Periphoenas Pg 1247 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Liquid Securities Singapore Pte Ltd 30 Cecil Street #19-08 Prudential Tower Singapore 049712 Singapore

	time, date, and place set forth below to testify at an examination copy of the court order authorizing the examination is attached.	
PLACE	DATE AND TIME	
TEACE	DATE AND TIME	
The examination will be recorded by this method:		
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:		
Please see the attached requests for the production of docum	nents.	
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.		
Date: 05/15/2023		
CLERK OF COURT		
	OR	
Signature of Clerk or Deputy Clerk	Ju Su	
	Attorney's signature	

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephboenas Pg 1248 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1249 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

received this subpoena for (name of individual and title, if any):
I served the subpoena by delivering a copy to the named person as follows:
on (<i>date</i>) ; or
I returned the subpoena unexecuted because:
Inless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the ritness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ My fees are \$ for travel and \$ for services, for a total of \$
I declare under penalty of perjury that this information is true and correct.
ate:
Server's signature
Printed name and title
Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Expression Page 1250 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

1
Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoenas Pg 2 gp 1 2 5 3 of 1 5 9 7

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ³⁰	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO LIQUID SECURITIES SINGAPORE PTE LTD</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

³⁰ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Liquid Securities Singapore Pte Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 80 LiquidEX LLC

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al., Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: LiquidEX LLC c/o FTX Japan Holdings K.K. 3 Chrome-17 Nishikicho Kanda, Chiyoda City Hirose Building 4F
Tokyo 1010054
Japan

☐ Testimony: YOU ARI	E COMMANDED to appear at the t	ime, date, and place	set forth below to testify at an examination
under Rule 2004, Federal	Rules of Bankruptcy Procedure. A	copy of the court ord	ler authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be r	recorded by this method:		
	our representatives, must also bring		
electronically stored infor	mation, or objects, and must permit	inspection, copying,	testing, or sampling of the material:
Please see the attached re	equests for the production of docum	ents.	
The following pro	ovisions of Fed. R. Civ. P. 45, made	applicable in bankru	uptcy cases by Fed. R. Bankr. P. 9016, are
			your protection as a person subject to a
			ena and the potential consequences of not
doing so.			
Date: 05/15/2023			
Date. <u>05/15/2025</u>	CLERK OF COURT		
	CLERK OF COURT		
		OR	
		, (
	Signature of Clerk or Deputy Clerk	$\langle \gamma \rangle$	\sim
		/) ' ()
		Attorn	ey's signature
		11110111	-/0

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Psychologias Pg 1264 of 1597

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg 1265 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	rson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for services.	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Expression Part 1266 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoenas Pg 2gp 1269 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ³¹	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO LIQUIDEX LLC

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

³¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that LiquidEX LLC produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 81 LT Baskets Ltd. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Periphoenas Pg 1279 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: LT Baskets Ltd. Lower Factory Road St. John's AG-04 Antigua and Barbuda

	copy of the court order authorizing the examination is attached.
PLACE	DATE AND TIME
The examination will be recorded by this method:	
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:	
Please see the attached requests for the production of docum	nents.
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.	
Date: <u>05/15/2023</u>	
CLERK OF COURT	
	OR
Signature of Clerk or Deputy Clerk	Ju Su
	Attorney's signature
The name, address, email address, and telephone number of t	he attorney representing The Official Committee of Unsecured

Notice to the person who issues or requests this subpoena

Creditors who issues or requests this subpoena, are:

390-9000 Email: jselendy@selendygay.com

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephboenas Pg 1280 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1281 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

received this subpoena for (name of individual and title, if any):
I served the subpoena by delivering a copy to the named person as follows:
on (<i>date</i>); or
I returned the subpoena unexecuted because:
Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the vitness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$
My fees are \$ for travel and \$ for services, for a total of \$
I declare under penalty of perjury that this information is true and correct.
Date:
Server's signature
Printed name and title
Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Septimoenas Pg 1282 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
 - (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoenas Pg 2 gp 1 285 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO LT BASKETS LTD.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

³² The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that LT Baskets Ltd. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104

Tel.: 212-390-9000 jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 82
Maclaurin Investments Ltd.

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perhappenas Pg 1295 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

Creditors who issues or requests this subpoena, are:

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al., Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Maclaurin Investments Ltd. F20 Eden Plaza 1st Floor Eden Island Seychelles

	e time, date, and place set forth below to testify at an examination
	copy of the court order authorizing the examination is attached.
PLACE	DATE AND TIME
The examination will be recorded by this method:	
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:	
Please see the attached requests for the production of docum	nents.
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.	
Date: 05/15/2023	
CLERK OF COURT	
	OR
Signature of Clerk or Deputy Clerk	Ju Su
	Attorney's signature
The name, address, email address, and telephone number of	the attorney representing The Official Committee of Unsecured

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephboenas Pg 1296 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg 1297 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if an on (date)	ny):
☐ I served the subpoena by delivering a copy to the named p	erson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States witness the fees for one day's attendance, and the mileage allows My fees are \$ for travel and \$ for servential for the subpoena was issued on behalf of the United States witness the fees for one day's attendance, and the mileage allows for travel and \$ for servential for the United States witness the fees for one day's attendance, and the mileage allows for the United States witness the fees for one day's attendance, and the mileage allows for the United States witness the fees for one day's attendance, and the mileage allows for the United States witness the fees for one day's attendance, and the mileage allows for the United States witness the fees for one day's attendance, and the mileage allows for the United States witness	owed by law, in the amount of \$
I declare under penalty of perjury that this information	n is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Expression Page 1298 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

SOUTHERN DISTRICT OF NEW YORK	
In re:	Chapter 11
CELSIUS NETWORK LLC, et al.,1	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)
Debtors.	(Jointly Admini

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoenas 2 201201 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO MACLAURIN INVESTMENTS LTD.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

³³ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Maclaurin Investments Ltd. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000
iselendy@selendygay.com

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 83 Mangrove Cay Ltd 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Periphoenas Pg 1311 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al., Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Mangrove Cay Ltd Unit 3B, Bryson's Commercial Complex, Friars Hill Road St. John's AG-04 Antigua and Barbuda

	1.1		der authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be	recorded by this method:		
	your representatives, must also bring rmation, or objects, and must permit		mination the following documents, testing, or sampling of the material:
Please see the attached r	requests for the production of docum	ents.	
attached – Rule 45(c), rel	ating to the place of compliance; Ru	le 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a sena and the potential consequences of not
Date: <u>05/15/2023</u>			
	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	Ju 5	
		Attorn	ey's signature
TE1 1.1 '1	11 1.1 1 1 6		. TEL OCC. 1 C CII 1

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephoenas Pg 1312 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pstiblogenas Pg 1313 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	rson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for services.	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Expression of Part 2004 Examination) (Expression of Pa

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

SOUTHERN DISTRICT OF NEW YORK	
In re:	Chapter 11
CELSIUS NETWORK LLC, et al.,1	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)
Debtors.	(Jointly Admini

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoenas Pg 2 op 1217 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ³⁴	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO MANGROVE CAY LTD</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

³⁴ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Mangrove Cay Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 84
North Dimension Inc

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perhaps Pg 1327 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: North Dimension Inc 3500 South Dupont Highway Dover, DE 19901

		_	set forth below to testify at an examination ler authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be record	ded by this method:		
			mination the following documents, testing, or sampling of the material:
Please see the attached reques	sts for the production of docume	ents.	
attached – Rule 45(c), relating	to the place of compliance; Rul	e 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a ena and the potential consequences of not
Date: 05/15/2023			
	ERK OF COURT		
		OR	
Sign	nature of Clerk or Deputy Clerk	Jn 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephboenas Pg 1328 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1329 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	rson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for services.	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Psyllhopenas Pg 1330 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoenas Pg 2gpfl 233 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, NY 10104 Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com

cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al.,35	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO NORTH DIMENSION INC

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

³⁵ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that North Dimension Inc produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 85
North Dimension Ltd

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Periphoenas Pg 13/13 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: North Dimension Ltd Tortola Pier Park, Building 1, Second Floor Wickhams Cay I, Tortola VG1110 British Virgin Islands

	1.1		ler authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be	recorded by this method:		
	·		
	your representatives, must also bring rmation, or objects, and must permit		mination the following documents, testing, or sampling of the material:
Please see the attached r	requests for the production of docum	ents.	
attached – Rule 45(c), rela	ating to the place of compliance; Ru	le 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a ena and the potential consequences of not
Date: <u>05/15/2023</u>			
<u> </u>	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	Ju 5	
		Attorn	ey's signature
m 11 11			' TI OCC' 1 C

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephoenas Pg 1344 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1345 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

received this subpoena for (name of individual and title, if any):
I served the subpoena by delivering a copy to the named person as follows:
on (<i>date</i>) ; or
I returned the subpoena unexecuted because:
Inless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the ritness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ My fees are \$ for travel and \$ for services, for a total of \$
I declare under penalty of perjury that this information is true and correct.
ate:
Server's signature
Printed name and title
Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Exhibit poenas Pg 1346 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoenas 2 201249 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ³⁶	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO NORTH DIMENSION LTD

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

³⁶ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that North Dimension Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

Tel.: 212-390-9000 jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 86
North Wireless Dimension Inc.

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perhappenas Pg 1359 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: North Wireless Dimension Inc. Jacob Simmons, 1191 2nd Ave 10th Floor Seattle, WA 98101

☐ Testimony: YOU AR	E COMMANDED to appear at the	time, date, and place	e set forth below to testify at an examination
under Rule 2004, Federal	Rules of Bankruptcy Procedure. A	copy of the court or	der authorizing the examination is attached.
PLACE			DATE AND TIME
			1
The examination will be	recorded by this method:		
	your representatives, must also bring rmation, or objects, and must permit		mination the following documents, , testing, or sampling of the material:
Please see the attached i	requests for the production of docum	nents.	
attached – Rule 45(c), rel	ating to the place of compliance; Ru	ale 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a sena and the potential consequences of not
Date: <u>05/15/2023</u>			
<u> </u>	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	Jn 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephboenas Pg 1360 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg 1361 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

received this subpoena for (name of individual and title, if any):
I served the subpoena by delivering a copy to the named person as follows:
on (<i>date</i>) ; or
I returned the subpoena unexecuted because:
Inless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the ritness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ My fees are \$ for travel and \$ for services, for a total of \$
I declare under penalty of perjury that this information is true and correct.
ate:
Server's signature
Printed name and title
Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Stifboenas Pg 1362 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoenas Pg 2gpfl 265 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, NY 10104 Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com

cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ³⁷	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO NORTH WIRELESS DIMENSION INC.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

³⁷ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that North Wireless Dimension Inc. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 87
Paper Bird Inc

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Periphoenas Pg 1375 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,

Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Paper Bird Inc 3500 South Dupont Highway Dover, DE 19901

☐ Testimony: YOU AR	E COMMANDED to appear at the	time, date, and place	e set forth below to testify at an examination
under Rule 2004, Federal	Rules of Bankruptcy Procedure. A	copy of the court or	der authorizing the examination is attached.
PLACE			DATE AND TIME
			1
The examination will be	recorded by this method:		
	your representatives, must also bring rmation, or objects, and must permit		mination the following documents, , testing, or sampling of the material:
Please see the attached i	requests for the production of docum	nents.	
attached – Rule 45(c), rel	ating to the place of compliance; Ru	ale 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a sena and the potential consequences of not
Date: <u>05/15/2023</u>			
<u> </u>	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	Jn 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephoenas Pg 1376 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1377 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	son as follows:
on (date)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service	ved by law, in the amount of \$
I declare under penalty of perjury that this information i	
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Septimoenas Pg 1378 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

1
Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoenas 2 201281 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com

tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO PAPER BIRD INC

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

³⁸ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Paper Bird Inc produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 88
Pioneer Street Inc.

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Peril Documes Pg. 1391 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Pioneer Street Inc. 167 N Green Street, Suite 1102 Chicago, IL 60607

☐ <i>Testimony:</i> YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.			
PLACE			DATE AND TIME
The exemination will be recorded	by this mathod		
The examination will be recorded	by this method:		
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:			
Please see the attached requests for the production of documents.			
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.			
Date: 05/15/2023			
<u></u>	C OF COURT		
		OR	
Signatui	re of Clerk or Deputy Clerk	Jn 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephboenas Pg 1392 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pstiblogenas Pg 1393 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
I served the subpoena by delivering a copy to the named person	n as follows:
on (<i>date</i>)	; or
I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowed My fees are \$ for travel and \$ for services.	by law, in the amount of \$
I declare under penalty of perjury that this information is to	rue and correct.
Date:	
	Server's signature
	Printed name and title
_	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Exhibit poenas Pg 1394 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoenas 2 201297 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ³⁹	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO PIONEER STREET INC.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

³⁹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Pioneer Street Inc. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 89 Quoine India Pte Ltd 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Periphoenas Pg 1407 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Quoine India Pte Ltd F-143 Richmond Park DLF City Phase-4 Gurugram 122009 India

•	* *		set forth below to testify at an examination ler authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be recorded	oy this method:		
∑ Production: You, or your repre electronically stored information, or the stored information, or the stored information.			mination the following documents, testing, or sampling of the material:
Please see the attached requests for	or the production of docume	ents.	
attached – Rule 45(c), relating to the	ne place of compliance; Rul	e 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a ena and the potential consequences of not
Date: <u>05/15/2023</u>			
CLERK	OF COURT		
		OR	
Signatur	e of Clerk or Deputy Clerk	Ju 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephboenas Pg 1408 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopenas Pg. 1409 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

received this subpoena for (name of individual and title, if any):
I served the subpoena by delivering a copy to the named person as follows:
on (<i>date</i>) ; or
I returned the subpoena unexecuted because:
Inless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the ritness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ My fees are \$ for travel and \$ for services, for a total of \$
I declare under penalty of perjury that this information is true and correct.
ate:
Server's signature
Printed name and title
Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Exhibit 2004 Examination)

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoenas 2 20 12 13 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al.,40	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO QUOINE INDIA PTE LTD</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁴⁰ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Quoine India Pte Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000
iselendy@selendygay.com

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 90 Quoine Pte Ltd 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Periphoenas Pg 1423 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Quoine Pte Ltd 8 Orange Grove Road Singapore 258342 Singapore

Testimony: YOU ARE COMMANDED to appear at the time, date, and place under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order	•
PLACE	DATE AND TIME
The examination will be recorded by this method:	
X Production: You, or your representatives, must also bring with you to the example electronically stored information, or objects, and must permit inspection, copying,	
Please see the attached requests for the production of documents.	
The following provisions of Fed. R. Civ. P. 45, made applicable in bankru attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpodoing so.	your protection as a person subject to a
Date: <u>05/15/2023</u>	
CLERK OF COURT	
OR	
Signature of Clerk or Deputy Clerk	
	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephoenas Pg 1424 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1425 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

received this subpoena for (name of individual and title, if any):
I served the subpoena by delivering a copy to the named person as follows:
on (<i>date</i>) ; or
I returned the subpoena unexecuted because:
Inless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the ritness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ My fees are \$ for travel and \$ for services, for a total of \$
I declare under penalty of perjury that this information is true and correct.
ate:
Server's signature
Printed name and title
Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Psychopenas Pg 1426 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

1
Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoenas 2 2012 29 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al.,41	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO QUOINE PTE LTD</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁴¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Quoine Pte Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel: 212-390-9000

Tel.: 212-390-9000 jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 91 Quoine Vietnam Co. Ltd 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Periphoenas Pg 1/39 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Quoine Vietnam Co. Ltd Empress Tower, 138-142 Hai Ba Trung Street Da Kao Ward, District 1, Ho Chi Minh City Vietnam

•	* *		set forth below to testify at an examination
under Rule 2004, Federal	Rules of Bankruptcy Procedure. A	copy of the court or	ler authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be r	recorded by this method:		
	your representatives, must also bring rmation, or objects, and must permit		mination the following documents, testing, or sampling of the material:
Please see the attached re	equests for the production of docum	ents.	
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.			
Date: <u>05/15/2023</u>			
Date. <u>05/15/2025</u>	CLERK OF COURT		
	CLERK OF COOK!		
		OR	
	Signature of Clerk or Deputy Clerk	Jn 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Stiffpoenas Pg 1440 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg 1441 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	rson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for services.	wed by law, in the amount of \$
I declare under penalty of perjury that this information	is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Psychopenas Pg 1442 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoenas Pg 200 1245 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ⁴²	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO QUOINE VIETNAM CO. LTD</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁴² The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Quoine Vietnam Co. Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000
isolondy@solondygay.com

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 92 Strategy Ark Collective Ltd. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Periphoenas Pg. 1455 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Strategy Ark Collective Ltd.
Unit 3B, Bryson's Commercial Complex, Friars Hill Road
St. John's AG-04
Antigua and Barbuda

-	* *		set forth below to testify at an examination
under Rule 2004, Federal Ru	iles of Bankruptcy Procedure. A co	opy of the court ord	der authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be reco	orded by this method:		
			mination the following documents, , testing, or sampling of the material:
Please see the attached requ	uests for the production of docume	nts.	
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.			
Date: 05/15/2023			
	CLERK OF COURT		
		O.D.	
		OR	_
\overline{Si}	ignature of Clerk or Deputy Clerk	Jn 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephboenas Pg 1/56 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1457 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	son as follows:
on (date)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service	ved by law, in the amount of \$
I declare under penalty of perjury that this information i	
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Septimoenas Pg 1458 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoenas 2 20 1261 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO STRATEGY ARK COLLECTIVE LTD.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

⁴⁴ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Strategy Ark Collective Ltd. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 12, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

Tel.: 212-390-9000 jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 93 Technology Services Bahamas Limited

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Periphoenas Pg 1/71 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Technology Services Bahamas Limited Johnny Cake Ln Marsh Harbour, Abaco Bahamas

	e time, date, and place set forth below to testify at an examination copy of the court order authorizing the examination is attached.
PLACE	DATE AND TIME
The examination will be recorded by this method:	
☑ Production: You, or your representatives, must also bring electronically stored information, or objects, and must permit Output Description: You, or your representatives, must also bring electronically stored information, or objects, and must permit Description: You, or your representatives, must also bring electronically stored information, or objects, and must permit Description: You, or your representatives, must also bring electronically stored information. Description: You, or your representatives, must also bring electronically stored information. Description: You, or your representatives, must also bring electronically stored information. Description: You, or your representatives, must also bring electronically stored information. Description: You, or your representatives, must also bring electronically stored information. Description: You, or your representatives, must also bring electronically stored information. Description: You, or your representatives, must also bring electronically stored information. Description: You, or your representatives, must also bring electronically stored information. Description: You, or your representatives, must also bring electronically stored information. Description: You, or your representatives, must also bring electronically stored information. Description: You, or your representatives, must also bring electronically stored information. Description: You, or your representatives, must also bring electronically stored information. Description: You, or your representatives, must also bring electronically stored information. Description: You, or your representatives, must also bring electronically stored information. Description: You, or your representatives, must also bring electronically stored information. Description: You, or your representative electronically stored information. Description: You, or your representative electronically stored electronically stored electronically stored electronically stored electronically stored electronic	
Please see the attached requests for the production of docur	ments.
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.	
Date: 05/15/2023	
CLERK OF COURT	
	OR
Signature of Clerk or Deputy Clerk	Just
	Attorney's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephoenas Pg 1472 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1473 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if an on (date)	ny):
☐ I served the subpoena by delivering a copy to the named p	erson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States witness the fees for one day's attendance, and the mileage allows My fees are \$ for travel and \$ for serve I declare under penalty of perjury that this information	vices, for a total of \$
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Septimoenas Pg 1474 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors;² and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoenas 2 200 1277 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al.,45	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO TECHNOLOGY SERVICES BAHAMAS LIMITED

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

⁴⁵ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Technology Services Bahamas Limited produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 94 Verdant Canyon Capital LLC

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perhaps Pg 1/87 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Verdant Canyon Capital LLC 3500 South Dupont Highway Dover, DE 19901

☐ <i>Testimony:</i> YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.		
PLACE	DATE AND TIME	
The examination will be recorded by this method:		
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:		
Please see the attached requests for the production of documents.		
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.		
Date: 05/15/2023		
CLERK OF COURT		
	OR	
Signature of Clerk or De	eputy Clerk	
	Attorney's signature	

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephboenas Pg 1/488 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1489 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if an on (date)	ny):
☐ I served the subpoena by delivering a copy to the named p	erson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for serv	owed by law, in the amount of \$
I declare under penalty of perjury that this information	n is true and correct.
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Exhibit poenas Pg 1490 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoenas 2 2012 293 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al.,46	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO VERDANT CANYON CAPITAL LLC</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁴⁶ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Verdant Canyon Capital LLC produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000
jselendy@selendygay.com

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 95 Western Concord Enterprises Ltd. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Periphoenas Pg. 1503 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Western Concord Enterprises Ltd. Unit 3B, Bryson's Commercial Complex, Friars Hill Road St. John's AG-04 Antigua and Barbuda

under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.	
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:	
Please see the attached requests for the production of documents.	
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.	

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephoenas Pg 1504 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1505 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
I served the subpoena by delivering a copy to the named person	n as follows:
on (<i>date</i>)	; or
I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowed My fees are \$ for travel and \$ for services.	by law, in the amount of \$
I declare under penalty of perjury that this information is to	rue and correct.
Date:	
	Server's signature
	Printed name and title
_	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Septimoenas Pg 1506 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoenas 2 2012 9 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO WESTERN CONCORD ENTERPRISES LTD.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Western Concord Enterprises Ltd. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 1. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 2. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 3. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 4. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 5. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 6. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 7. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 8. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 9. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 10. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 11. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104

Tel.: 212-390-9000 jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 96 West Innovative Barista Ltd. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Periphoenas Pg 1519 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: West Innovative Barista Ltd. Unit 3B, Bryson's Commercial Complex, Friars Hill Road St. John's AG-04 Antigua and Barbuda

	1.1		der authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be i	recorded by this method:		
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:			
Please see the attached requests for the production of documents.			
attached – Rule 45(c), rela	ating to the place of compliance; Ru	le 45(d), relating to	aptcy cases by Fed. R. Bankr. P. 9016, are your protection as a person subject to a sena and the potential consequences of not
Date: <u>05/15/2023</u>			
<u></u>	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	Ju 5	
		Attorn	ey's signature
TT1 11 11	11 1, 1 1 1 0,		TEL 0.00" : 1.0

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephoenas Pg 1520 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1521 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
I served the subpoena by delivering a copy to the named person	n as follows:
on (<i>date</i>)	; or
I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowed My fees are \$ for travel and \$ for services.	by law, in the amount of \$
I declare under penalty of perjury that this information is to	rue and correct.
Date:	
	Server's signature
	Printed name and title
_	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Exhibit poenas Pg 1522 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent SubpoenasPg 2gpfl 225 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO WEST INNOVATIVE BARISTA LTD.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁴⁷ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that West Innovative Barista Ltd. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, New York 10104
Tel.: 212-390-9000
jselendy@selendygay.com

fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 97 West Realm Shires Financial Services Inc.

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-32540 (Form 2540 – Subpoena for Rule 2004 Examination) (Page Phoenas Pg. 1535 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: West Realm Shires Financial Services Inc. 166 N Green Street Suite 1101 Chicago, IL 60607

The examination will be recorded by this method: DATE AND TIME
The examination will be recorded by this method: Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: Please see the attached requests for the production of documents. The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Date: 05/15/2023
Please see the attached requests for the production of documents. The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Date: 05/15/2023
Please see the attached requests for the production of documents. The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Date: 05/15/2023
Please see the attached requests for the production of documents. The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Date: 05/15/2023
Please see the attached requests for the production of documents. The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Date: 05/15/2023
Please see the attached requests for the production of documents. The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Date: 05/15/2023
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Date: 05/15/2023
attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Date: <u>05/15/2023</u>
CLERK OF COURT
OR
Signature of Clerk or Deputy Clerk
Attorney's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephoenas Pg 1536 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1537 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)				
☐ I served the subpoena by delivering a copy to the named person as follows:				
on (<i>date</i>)	; or			
☐ I returned the subpoena unexecuted because:				
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowe My fees are \$ for travel and \$ for services	d by law, in the amount of \$			
I declare under penalty of perjury that this information is				
Date:				
_	Server's signature			
_	Printed name and title			
-	Server's address			

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Septimoenas Pg 1538 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoenas 2 20 12 241 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ⁴⁸	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO WEST REALM SHIRES FINANCIAL SERVICES INC.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁴⁸ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that West Realm Shires Financial Services Inc. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 98 West Realm Shires Inc. 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perhaps Pa 1551 of 1507

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: West Realm Shires Inc. 167 N Green Street, Suite 1102 Chicago, IL 60607

	ppear at the time, date, and place set forth below to testify at an examination occdure. A copy of the court order authorizing the examination is attached.	
PLACE	DATE AND TIME	
The examination will be recorded by this method:		
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:		
Please see the attached requests for the production of documents.		
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.		
Date: 05/15/2023		
CLERK OF COURT		
	OR	
Signature of Clerk or De	eputy Clerk	
	Attorney's signature	

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephoenas Pg 1552 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1553 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if an on (date)	ny):
☐ I served the subpoena by delivering a copy to the named p	erson as follows:
on (<i>date</i>)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States witness the fees for one day's attendance, and the mileage allows My fees are \$ for travel and \$ for serve I declare under penalty of perjury that this information	vices, for a total of \$
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Septimoenas Pg 1554 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

1
Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoenas Pg 2 gp 1 2 5 7 of 1 5 9 7

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al.,49	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO WEST REALM SHIRES INC.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

_

⁴⁹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that West Realm Shires Inc. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 99
West Realm Shires Services Inc.

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Perhaps Pg 1567 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: West Realm Shires Services Inc. 167 N Green Street, Suite 1102 Chicago, IL 60607

_ ,	11		e set forth below to testify at an examination
under Rule 2004, Federal	Rules of Bankruptcy Procedure. A	copy of the court ord	der authorizing the examination is attached.
PLACE			DATE AND TIME
The examination will be recorded by this method:			
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:			
Please see the attached r	equests for the production of docum	ents.	
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.			
Date: <u>05/15/2023</u>	CLEDY OF COURT		
	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	Jn 5	
		Attorn	ey's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephoenas Pg 1568 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1569 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any on (date)	y):
☐ I served the subpoena by delivering a copy to the named per	son as follows:
on (date)	; or
☐ I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, witness the fees for one day's attendance, and the mileage allow My fees are \$ for travel and \$ for service	ved by law, in the amount of \$
I declare under penalty of perjury that this information i	
Date:	
	Server's signature
	Printed name and title
	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Psyllhopenas Pg 1570 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas duces tecum (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichitr1ent Subpoenas 2 2012 273 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, NY 10104 Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
CELSIUS NETWORK, et al., ⁵⁰	Case No. 22-10964 (MG)
Debtors.	(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS TO WEST REALM SHIRES SERVICES INC.

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order*, *Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

⁵⁰ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that West Realm Shires Services Inc. produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

Subpoena Package 100 Zubr Exchange Ltd 22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Periphoenas Pg 1583 of 1597

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Zubr Exchange Ltd Glacias Road Gibraltar GX11 1AA Gibraltar

Under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.			
PLACE			DATE AND TIME
The examination will be a	recorded by this method:		
☑ Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:			
Please see the attached requests for the production of documents.			
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.			
Date: <u>05/15/2023</u>			
	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	Ju 5	
		Attorn	ey's signature
The manner address amoil	address and talanhana nymbar of f		ting The Official Committee of Hagazanad

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: jselendy@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Sephoenas Pg 1584 of 1597

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Pseudopoenas Pg. 1585 of 1597

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): on (date)	
I served the subpoena by delivering a copy to the named person	n as follows:
on (<i>date</i>)	; or
I returned the subpoena unexecuted because:	
Unless the subpoena was issued on behalf of the United States, or witness the fees for one day's attendance, and the mileage allowed My fees are \$ for travel and \$ for services.	by law, in the amount of \$
I declare under penalty of perjury that this information is to	rue and correct.
Date:	
	Server's signature
	Printed name and title
_	Server's address

Additional information concerning attempted service, etc.:

22-10964-mg Doc 2642-1 Filed 05/15/23 Entered 05/15/23 22:01:15 Exhibit 1-B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Septimoenas Pg 1586 of 1597

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13) (made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.
- (2) For Other Discovery. A subpoena may command:
- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt. The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment # 1

Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors").

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

UNITED STATES BANKRUPTCY COURT

EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS DUCES TECUM UPON THE FTX DEBTORS

Upon the ex-parte application (the "Application") the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11 cases (collectively, the "Chapter 11 Cases"), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a "Subpoena," collectively, the "Subpoenas") upon the FTX Debtors; and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors' estates, their creditors and other parties in interest; and no notice of the relief sought in the

chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these

² "<u>FTX Debtors</u>" refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.

2*2229969*9644rgng Dot2c26*2*642-FliledF**05**610*5*235/*2*3nteFende0*56*10*523512*35*22*081:1173airEpoloichith1ent Subpoenas 2 201289 of 1597

Application being required or necessary; and after due deliberation and sufficient cause appear-

ing therefor, it is

ORDERED, that the Application is granted; and it is further

ORDERED, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be,

and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

ORDERED, that the FTX Debtors are directed to either timely comply with the terms of

this Order and any Subpoenas issued to them or make an appropriate motion for a protective or-

der or to quash any Subpoenas; and it is further

ORDERED, that unless otherwise ordered by this Court, no Subpoena shall seek the pro-

duction or inspection of documents or things on less than fourteen (14) days' notice; and it is fur-

ther

ORDERED, that the terms and conditions of this Order are immediately effective and

enforceable upon its entry; and it is further

ORDERED, that this Order is without prejudice to the rights of the Committee to apply

for further discovery from any party or other entity or person; and it is further

ORDERED, that this Court shall retain jurisdiction to interpret, implement, and enforce

the terms and provisions of this Order, including adjudicating any discovery disputes that may

arise between or among the parties.

IT IS SO ORDERED.

Dated: May 11, 2023

New York, New York

/s/ Martin Glenn

Chief United States Bankruptcy Judge

2

Attachment # 2

Discovery Requests

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy
Faith E. Gay
Temidayo Aganga-Williams
Claire O'Brien
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000

Email: jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Chapter 11
Case No. 22-10964 (MG)
(Jointly Administered)

OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS <u>TO ZUBR EXCHANGE LTD</u>

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

² The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the "Committee"), by and through its undersigned counsel, hereby requests that Zubr Exchange Ltd produce documents in response to the requests below within 14 days of service to the Committee's attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

DOCUMENT REQUESTS DEFINITIONS

- 1. The singular form of a word includes the plural, and vice versa.
- 2. Any tense of a verb includes all tenses.
- 3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
- 4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
 - 5. "All," "any," and "each" mean any and all.
 - 6. "And" and "or" are construed both conjunctively and disjunctively.
- 7. "Associated with" includes, but is not limited to, "affiliated with," "corresponding to," "owned by," "controlled by," and "operated by."
- 8. "CEL Token" means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

- 9. "Document(s)" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
- 10. "FTX Debtors" means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under "List of Debtors" at https://restructuring.ra.kroll.com/FTX/Home-Index.
- 11. "FTX Exchange" means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.
 - 12. "FTX User Account" means a user account registered with the FTX Exchange.
- 13. "Futures Contract" means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.
- 14. "Identify" has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.
 - 15. "Including" means including but not limited to.
- 16. "Know Your Customer Information" means information provided to the FTX Exchange on change when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.
 - 17. "FTX Address" means a blockchain address associated with an FTX User Account.

- 18. "Identified FTX Addresses" means the following FTX Addresses, and, for the avoidance of doubt, each is an "Identified FTX Address":
 - a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
 - b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
 - c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
 - d. 0x44f73a35b995c7a55864209468925bf450cf0a00
 - e. 0x1785904b28ad668b4778618f749db6b4a04472ed
 - f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
 - g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
 - h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
 - i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
 - j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49
 - 19. "You" and "Your" means and refers to any or all the FTX Debtors.

INSTRUCTIONS

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

- 6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.
- 7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

RELEVANT TIME PERIOD

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

REQUESTS

- 20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.
- 21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.
- 22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

- 23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.
- 24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.
- 25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.
- 26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.
- 27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.
- 28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.
- 29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.
- 30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023 /s/ Jennifer M. Selendy

SELENDY GAY ELSBERG PLLC

Jennifer M. Selendy Faith E. Gay Temidayo Aganga-Williams Claire O'Brien 1290 Avenue of the Americas New York, New York 10104 Tel.: 212-390-9000

jselendy@selendygay.com fgay@selendygay.com tagangawilliams@selendygay.com cobrien@selendygay.com

Co-Counsel to the Official Committee of Unsecured Creditors